



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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LOS ANGELES, CALIFORNIA 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

August 14, 2007

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40, ANTELOPE VALLEY  
EASEMENT EXCHANGE FOR CONSTRUCTION OF WATER STORAGE  
RESERVOIRS AND TRANSMISSION PIPELINE  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY  
OF THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, ANTELOPE  
VALLEY:**

1. Consider the attached Addendum relating to an easement for a water transmission pipeline together with the previously adopted Negative Declaration for the construction of five 3-million-gallon welded steel reservoirs and appurtenant water facilities located near 10th Street West and the I-14 Freeway in the City of Palmdale; find on the basis of the whole record before the Board that there is no substantial evidence that the acceptance of an easement for the Los Angeles County Waterworks District No. 40, Antelope Valley, will have a significant effect on the environment; find that the Addendum reflects the independent judgment and analysis of the Board; and adopt the Addendum.
2. Consider the attached Addendum relating to an easement for parking purposes prepared by the Los Angeles County Waterworks District No. 40, Antelope Valley, together with the Mitigated Negative Declaration previously adopted by the City of Palmdale for the Avenue O-8 Retail Center Project; find on the basis of the whole record before the Board that there is no

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

substantial evidence that the grant of an easement to A. C. Warnack for proposed parking improvements for the Avenue O-8 Retail Center Project will have a significant effect on the environment; find that the Addendum reflects the independent judgment and analysis of the Board; and adopt the Addendum.

3. Approve and delegate authority to the Director of Public Works or his designee to negotiate and execute the easement documents between the Los Angeles County Waterworks District No. 40, Antelope Valley, and A. C. Warnack, substantially in the same form as Attachment A.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of these recommended actions is to execute the easement documents allowing the Los Angeles County Waterworks District No. 40, Antelope Valley (District), to construct water storage reservoirs and a transmission pipeline. These facilities will be beneficial to the community and are needed to continue to provide adequate water service to the District's customers.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs that we provide Service Excellence (Goal 1) and Community Services (Goal 6) by constructing water system facilities to enhance the reliability of water service to the customers of the District and improve the quality of life for residents in the Antelope Valley.

#### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund or the District's General and ACO Funds.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The District proposes to construct five 3-million-gallon water storage reservoirs on a parcel it owns (District Parcel) to provide domestic and fire protection storage for its customers in portions of the Cities of Palmdale and Lancaster. The District Parcel is located northeast of the intersection of 10th Street West and the I-14 Freeway in the City of Palmdale.

To connect the new reservoirs to its existing distribution system, the District requires easements (Warnack Easements) to construct a water transmission pipeline within private property owned by A. C. Warnack. In exchange for the Warnack Easements, the District proposes to provide A. C. Warnack with an easement (District Easement) over the District Parcel for parking purposes. The Warnack Easements are of equal or greater value than the District Easement and will not interfere with the District's use of the District Parcel.

The attached easement documents have been approved as to form by County Counsel.

#### **ENVIRONMENTAL DOCUMENTATION**

On May 21, 1992, your Board approved a Negative Declaration for the project that included the construction of five 3-million-gallon water storage reservoirs on the District Parcel and the water transmission pipeline within the Warnack Easements.

Since the Negative Declaration was adopted, it has been determined that an easement is necessary for the water transmission pipeline. The District has prepared an Addendum pursuant to Sections 15052 and 15164 of the California Environmental Quality Act (CEQA) and has determined that the receipt of the easements from A. C. Warnack for the construction of a water transmission pipeline will not result in significant impacts on the environment. None of the conditions described in Section 15162 of CEQA, calling for the preparation of a subsequent environmental impact report or negative declaration, is present.

On June 27, 2002, the City of Palmdale adopted a Mitigated Negative Declaration for the construction of a retail center that includes portions of the parking lot contemplated to be placed on the District Easement.

Since the Mitigated Negative Declaration was created by the City, it has been determined that easements related to a portion of the parking lot for the retail center construction are necessary. The District has prepared an Addendum pursuant to Sections 15052 and 15164 of CEQA and has determined that granting of easements related to the parking lot will not result in significant impacts on the environment. None of the conditions described in Section 15162 of CEQA, calling for the preparation of a subsequent environmental impact report or negative declaration, is present.

The Honorable Board of Supervisors  
August 14, 2007  
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**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

These actions will enable the District to construct water storage reservoirs and a transmission pipeline to enhance the District's services to its customers by improving the reliability of the water supply to portions of the Cities of Palmdale and Lancaster. These actions will not have a negative impact on existing services or planned projects.

**CONCLUSION**

Upon approval, please return two approved copies of this letter to the Department of Public Works, Waterworks Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. T. Fusio', is written over the printed name.

WILLIAM T FUSIOKA  
Chief Executive Officer

WTF:DLW  
AA:jtz

Attachment (3)

c: County Counsel

**ADDENDUM FOR THE NEGATIVE DECLARATION APPROVED BY  
THE LOS ANGELES BOARD OF SUPERVISORS ON JUNE 9, 1992  
FOR CONSTRUCTION OF FIVE 3-MILLION-GALLON WATER  
STORAGE RESERVOIRS AND APPURTENANT FACILITIES**

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**A. PROJECT INFORMATION**

1. **Project Title:** Five 3-Million-Gallon Water Storage Reservoirs and Appurtenant Facilities
2. **Lead Agency:** Los Angeles County Waterworks  
District No. 40, Antelope Valley  
900 S. Fremont Avenue  
Alhambra, CA 91803-1331
3. **Contact Persons:** Adam Ariki  
Assistant Deputy Director  
(626) 300-3300
4. **Project Location:** Near intersection of 10th Street West  
and I-14 Freeway in the City of  
Palmdale
5. **Project Sponsor:** Los Angeles County Waterworks  
District No. 40, Antelope Valley  
900 S. Fremont Avenue  
Alhambra, CA 91803-1331
6. **Introduction/Description of Project:**

The Project consists of construction of five 3-million gallon welded steel water storage reservoirs, removal of two 1-million-gallon reservoirs, and relocation/reconstruction of a 14,000 gallon per minute booster pump station, site preparation, and appurtenant piping facilities.

To construct the Project the District must obtain easements from the adjacent property owner, A.C. Warnack, who developed the property into a retail shopping center to enable the construction of five 3-million gallon water storage reservoirs and appurtenant piping facilities. In exchange, the District will grant a non-exclusive easement to A.C. Warnack, approximately 0.25 acres, for use as retail shopping center parking and access.

**7. Prior Environmental Review Pursuant to the California Environmental Quality Act**

**1992 Negative Declaration**

On June 9, 1992, the Board of Supervisors adopted the Negative Declaration (ND) for the Project, included as Exhibit A. At that time, the need for easements to construct the water system facilities was not contemplated, and therefore not included in the ND.

**8. Minor Changes to the Project**

The Project is amended to include the needed easements to be granted to the District by A.C. Warnack through the instrument included as Attachment A. This represents a minor technical change or addition to the Project and therefore an addendum is appropriate pursuant to State CEQA Guidelines sections 15162 and 15164.

**B. CEQA REQUIREMENTS FOR ADDENDUM USE**

If changes to a project or its circumstances occur or new information becomes available after adoption of an EIR or negative declaration, the lead agency may: (1) prepare a subsequent EIR if State CEQA Guidelines section 15162(a) criteria are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the EIR or negative declaration are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or negative declaration is required only when:

- (a) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable

- (i) The project will have one or more significant effects not discussed in the previous negative declaration;
- (ii) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (iii) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (iv) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## **C. ANALYSIS**

### **1. No "Substantial Changes" Are Proposed Pursuant to State CEQA Guidelines Section 15162(a)(1)**

To determine whether an addendum is the appropriate environmental review document, State CEQA Guidelines requires a three-part analysis. The first part is to determine whether the Project contains substantial changes which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (State CEQA Guidelines, § 15162(a)(1).) The changes to the Project are not substantial and do not require major revisions to the ND.

### **2. No "New Circumstances" Are Present Pursuant To State CEQA Guidelines Section 15162(a)(2)**

The second part of the analysis is to determine whether substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (State CEQA Guidelines, § 15162(a)(2).) An analysis of the changes indicates that there are no new circumstances that will require major revisions to the ND.

### **3. No "New Information" Is Present Pursuant To State CEQA Guidelines Section 15162(a)(3)**

The third part of the analysis is to determine whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR or negative declaration was

# EXHIBIT A

## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

Los Angeles County Waterworks District No. 34, Desert View Highlands  
Proposed Construction of Water System Facilities in Palmdale

### NEGATIVE DECLARATION

1. Location and Brief Description of Project

The project is located in the geographical area of Palmdale and is specifically shown on Exhibit "A" enclosed.

The project consists of the following: Site preparation, construction of five 3-million gallon welded steel water storage reservoirs, removal of two 1-million gallon water storage reservoirs, and relocation/reconstruction of a 14,000 gallon per minute booster pumping station.

These water system facilities will be constructed in accordance with plans and specifications approved by the Waterworks District and upon completion dedicated to the Waterworks District.

2. Mitigation Measures Included in the Project to Avoid Potentially Significant Effects

All construction within public roadways will comply with Department of Public Works Road Standards. The booster pump station will be enclosed in a block building and the reservoir site will be surrounded by block walls and screen landscaping to mitigate any noise and visual or aesthetic effects. These facilities will be beneficial to the community and are needed to continue to provide adequate water service in the Lancaster/Palmdale area.

3. Finding of No Significant Effect

Based on the enclosed Initial Study, it has been determined that this project will not have a significant effect on the environment.

Enclosure: Initial Study

Prepared by

  
Waterworks and Sewer Maintenance Division  
Department of Public Works



adopted, would required certain major revisions to the previous CEQA document. (State CEQA Guidelines, § 15162(a)(3).) An analysis of the changes indicates that there is no new information that will require major revisions to the ND.

#### **D. CONCLUSION**

The revisions to the 1992 ND will not result in any substantial changes that would implicate new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There has not been any substantial change in circumstances or discovery of any substantial new information regarding the Project's environmental effects or mitigation measures. Accordingly, the Board of Supervisors finds, based upon substantial evidence, that this addendum is appropriate under State CEQA Guidelines sections 15162 and 15164.

INITIAL STUDY BY LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 34,  
DESERT VIEW HIGHLANDS  
PROPOSED CONSTRUCTION OF WATER SYSTEM FACILITIES IN PALMDALE

This initial study was prepared by the Department of Public Works, Waterworks and Sewer Maintenance Division, pursuant to the California Environmental Quality Act of 1970, as amended (Division 13, California Public Resources Code), the "State Environmental Impact Report Guidelines" (Division 6, California Administrative Code) and the County of Los Angeles and Special Districts (under the Board of Supervisors) Environmental Document Reporting Procedures and Guidelines as latest adopted.

1. Location and Description of Project

The project is located in the geographical area of Palmdale and is specifically shown on Exhibit "A" enclosed.

The project consists of the following: Site preparation, construction of five 3-million gallon welded steel water storage reservoirs, removal of two 1-million gallon water storage reservoirs, and relocation/reconstruction of a 14,000 gallon per minute booster pumping station.

These water system facilities will be constructed in accordance with plans and specifications approved by the Waterworks District and upon completion dedicated to the Waterworks District.

2. Compatibility with General Plan

The project is located within the City of Palmdale and is compatible with the City's General Plan.

This project will provide an increased level of water service to existing customers and provide water to new developments which have been approved by the Cities of Lancaster and Palmdale Planning Departments.

3. Environmental Setting

Property which will accommodate this project is in a general area which is partially developed for residential and other urban purposes. The proposed site is presently vacant and contains native desert grasses and shrubs with an occasional Joshua tree.

The soil consists of a fine sandy loam surface layer that is very deep and well drained to moderately drained and is classified by the U.S. Department of Agriculture to be from good to very good for farming.

Wildlife native to this area are quail, pheasants, chukars and rabbits; however, due to urban encroachment, there does not appear to be much of this wildlife.

The project site does not have any known historical, geological, or archaeological attributes which may be of interest to the public.

#### **4. Identification of Environmental Effects**

This project does not appear to have a significant effect on the environment because it does not appear to:

- a. Conflict with adopted environmental plans and goals of the community.
- b. Have a substantial, demonstrable negative aesthetic effect;
- c. Substantially affect a rare or endangered species of animal or plant or the habitat of the species;
- d. Interfere substantially with the movement of any resident fish or wildlife species, or migratory fish or wildlife species;
- e. Breach published national, state, or local standards relating to solid waste or litter control;
- f. Substantially degrade water quality;
- g. Contaminate a public water supply;
- h. Substantially degrade or deplete groundwater resources; the District has an aggressive program within the District to reduce the amount of well water used in favor of increasing its use of AVEK water. Lastly, the feasibility of recharging the groundwater basin to mitigate the past depletion of the groundwater resource is currently being evaluated by the District.
- i. Interfere substantially with ground water recharge;
- j. Disrupt or adversely affect prehistoric or historic archaeological sites or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as part of a scientific study of the site;
- k. Induce substantial growth or concentration of population;
- l. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system;
- m. Displace a large number of people;
- n. Encourage activities which result in the use of large amounts of fuel, water or energy;
- o. Use fuel, water or energy in a wasteful manner;
- p. Increase substantially the ambient noise levels for adjoining areas;
- q. Cause substantial flooding, erosion or siltation;
- r. Expose people or structures to major geological hazards;
- s. Extend a sewer trunk line with capacity to serve new development;

- t. Substantially diminish habitat for fish, wildlife or plants;
- u. Disrupt or divide the physical arrangement of an established community;
- v. Create a potential public health or safety hazard; or involve the use, production or disposal of materials which pose a hazard to people or animal or plant population in the area affected;
- w. Conflict with established recreational, educational, religious or scientific uses of the area;
- x. Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations;
- y. Convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural land;
- z. Interfere with emergency response plans or emergency evacuation.

5. Discussion on Ways to Mitigate Significant Effects

To mitigate any noise, the booster pumping station will be enclosed in a concrete block building. The reservoir site will be surrounded by a block wall and screen landscaping to mitigate any aesthetic effects. The site plan for this development will be submitted to the City of Palmdale Planning Department for its approval and conformance to the existing community characteristics. Dust control will be provided during construction by watering or other appropriate methods.

No significant effects were identified in our study.

6. Initial Study Preparation

This initial study was prepared under the supervision of Mr. Gary J. Hartley, Assistant Deputy Director, 900 South Fremont Avenue, 9th Floor, Alhambra, California 91803, telephone (818) 458-7115. Pursuant to the County and Special Districts Guidelines, this study was made with the use of enclosed Initial Study Questionnaire.

Enclosed: Questionnaire

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 34,  
DESERT VIEW HIGHLANDS

INITIAL STUDY QUESTIONNAIRE

Project: Waterworks District No. 34, Desert View Highlands

Thomas Guide Page: 172

U. S. G. S. Quad: Ritter Ridge

Date: September 1990

A. GENERAL INFORMATION

1. Name and address of owner: (Proposed) Los Angeles County Waterworks District No. 34, Desert View Highlands, 900 South Fremont Avenue, Alhambra, California 91803.
2. Name, address, and telephone number of owner's representative or project sponsor: Gary J. Hartley, Assistant Deputy Director, Department of Public Works, Waterworks and Sewer Maintenance Division, 900 South Fremont Avenue, Alhambra, California 91803 for Los Angeles County Waterworks District No. 34, Desert View Highlands, telephone number (818) 458-7115.
3. Street location of project: The project site is shown on Exhibit "A".
4. Present use of site: Vacant property.
5. Present zoning: R-1 and A-2-2.
6. Brief project description (proposed use): Site development and construction of five 3-million gallon water storage reservoirs and a 14,000 gallon per minute booster pumping station. Also included is removal of existing reservoirs and booster pumping station currently existing on the southwest corner of Avenue P and 10th Street West.
7. Gross Area of project site: 3.8 acres.
8. Number and types of units (residential): N/A
9. Number and floor area of building (non-residential): N/A
10. Number of floors: N/A
11. Number of employees and shifts (non-residential): No one will be assigned, reside on or work out of the site. The facilities will be serviced on an as needed basis by District's employees and contractors.
12. Maximum number per shift (non-residential): N/A
13. Operating hours (non-residential): The water system facilities are automated and in operation 24-hours per day.

14. Area devoted to open space (exclusive of driveways, parking): N/A
15. List and describe any other related permits and other public approvals required for this project, including those requires by County, regional, State, and Federal Agencies. Specify the type of permit/approval, and the granting agencies. Grading, building, and excavation permits will be obtained from the City of Palmdale, as required.

**B. ENVIRONMENTAL DATA**

**1. Phasing and Relationship to Other Projects**

Site work, the first 3-million gallon tank and the new pumping station will be constructed as the first phase of work. Transfer of existing pumping facilities to the new station will occur during this initial phase. Removal of remaining facilities at the existing Avenue P and 10th Street West site will occur next. Additional storage reservoirs will be constructed as water demand dictates.

**2. Environmental Setting - Project Site**

The site is vacant land with no known cultural or historical aspects. It is located immediately adjacent to the north side of the Antelope Valley Freeway west of 10 Street West and east of Amargosa Creek on private land to be purchased by the District. The soil according to the U.S. Department of Agriculture, Soil Conservation Service, is fine sandy loam suitable for farming. Due to recent urban encroachment, wildlife is scarce.

**3. Environmental Setting - Surrounding Area**

The area between 10th Street West and Amargosa Creek north of the Antelope Valley Freeway, of which the project site is the southern most portion, is currently vacant. The area to the west is occupied by the Antelope Valley Mall. The area easterly of Amargosa Creek contains Antelope Valley Country Club and adjoining residences.

**C. ENVIRONMENTAL QUESTIONS**

**1. Will the project require any grading?**

Yes.

Will the earth movement be balanced on site?

No. Fill material will be imported.

2. Are there any identifiable landslides or other major geologic hazards on the property (including uncompacted fill)?

No.

3. Are there any natural drainage courses, springs, ponds, etc. on property?

No. Amargosa Creek is immediately adjoining the site's southeasterly boundary.

4. Is the property located within a high fire hazard area (hillside area with moderately dense vegetation)?

No.

5. Do project operations involve the handling or storage of hazardous substances, such as oil, pesticides, chemicals, or radioactive materials?

No.

6. What are the existing principal sources of noise at the project site?

Principal sources of noise is the Antelope Valley Freeway which is immediately adjacent to the site's southwesterly boundary.

7. Describe the facilities and/or equipment within your project which are expected to induce noise?

Pumping the water through the transmission mains will be accomplished by electric motor driven pumps. The booster pumping station will be enclosed by a concrete block building which will mitigate noise problems.

8. Will the project generate dust and/or odors?

Temporarily during construction there may be some dust generated; however, measures will be taken to alleviate any dust caused by construction.

9. What provisions will be included for security within the project?

The perimeter of the tank site will be enclosed with a block wall.

10. Identify, in general terms, the plants and animals of the project area. Identify the number of trees by type on the site.

Native plant cover is typical desert brush and grasses. There are several Joshua trees on the site. Wildlife native to this area is scarce due to the encroachment of urban development from the surrounding area.

11. Will the project displace any people?

No.

12. What energy-conserving designs or materials will the proposed project utilize?

Telemetering the facilities will contribute to the efficient operation of the facilities.

13. Are there any parks (regional, county, local) located within a one mile radius of the project? If so, please identify:

None.

14. What school district serves the property?

Palmdale School District and Antelope Valley Union High School District.

15. If a residential development, are existing school facilities adequate to meet the anticipated increase in attendance as a result of the project? (This information should be verified by the school district involved if the project consists of five or more residential lots. Verification should be either in writing or by identifying person contacted at district).

N/A

16. What is the distance to the nearest Sheriff Station?

The distance to the nearest Sheriff Station is six miles north.

17. What is the distance to the nearest fire station?

Nearest fire station is on the south side of Avenue P just westerly of 10th Street West (approximately 1/4 mile).

18. Are sewers presently available to serve the project site?

N/A

19. Are existing sewers capable of meeting the anticipated increase in demand without modification?

N/A

20. If sewers are not available, what type of sewage disposal system will be utilized?

N/A

21. What is the major access to the booster pump station?

10th Street West.

22. How will domestic water be provided (water district, private wells)?

Los Angeles County Waterworks District No. 34, Desert View Highlands.



Will the water supply be sufficient to serve the proposed project?

Yes.

23. Can the existing water system provide for fire protection in accordance with Fire Department requirements?

Yes.

24. Is natural gas available?

N/A

25. Is electricity available?

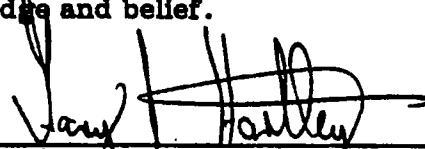
Yes.

26. What is the distance to the nearest commercial business area?

West of 10th Street West (across the street).

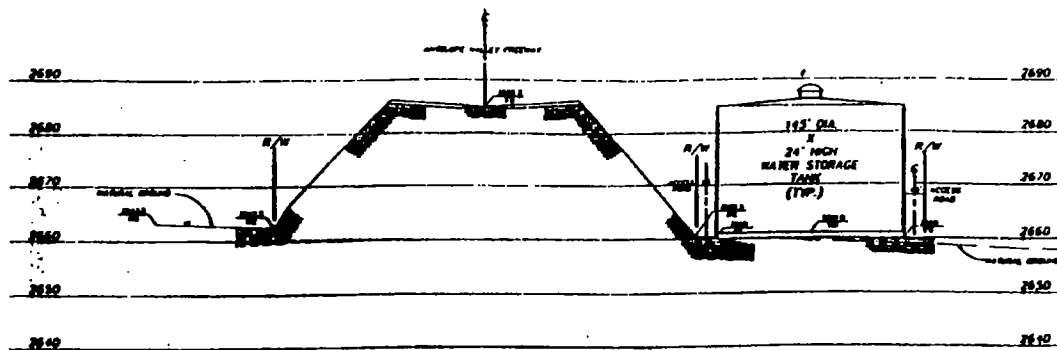
**CERTIFICATION:** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: 1-23-92

  
Assistant Deputy Director  
Los Angeles County Waterworks  
District No. 34, Desert View Highlands

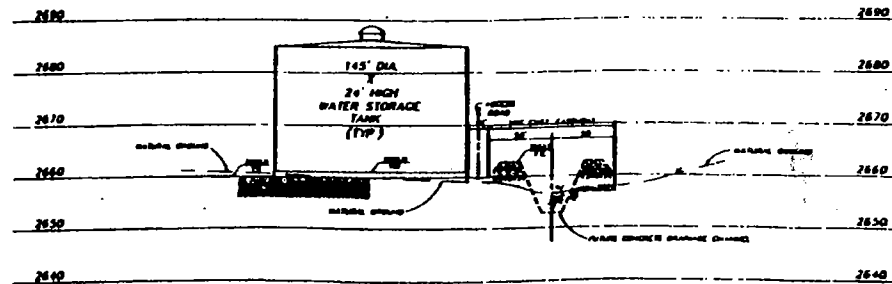
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# SECTION A - A

SCALE: HORIZ. 1" = 40'  
VERT. 1" = 10'



# SECTION B - B

SCALE: HORIZ. 1" = 40'  
VERT. 1" = 10'

EXHIBIT "A"



THIS IS SECTION B-B OF THE PROPOSED  
WATER STORAGE TANKS WITH COVER.

PLANS PREPARED BY  
ANTLOPE VALLEY ENGINEERING, INC.  
ON A PROJECT OF  
ANTLOPE VALLEY ENGINEERING, INC.  
ANTLOPE VALLEY ENGINEERING, INC.  
ANTLOPE VALLEY ENGINEERING, INC.

TANK SITE SECTIONS									
NO.	DATE	BY	CHECKED BY	APPROVED BY	REVISION	DESCRIPTION	SHEET NO.	TOTAL SHEETS	PROJECT NO.
1	10/1/78	J. L. Smith	J. L. Smith	J. L. Smith	1	145' DIA. 24' HIGH WATER STORAGE TANK (TYP.)	1	2	CS-1
2	10/1/78	J. L. Smith	J. L. Smith	J. L. Smith	2	145' DIA. 24' HIGH WATER STORAGE TANK (TYP.)	2	2	CS-1

**ADDENDUM FOR THE MITIGATED NEGATIVE DECLARATION  
APPROVED BY THE CITY OF PALMDALE ON JUNE 27, 2002 FOR  
THE AVENUE O-8 RETAIL CENTER**

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**A. PROJECT INFORMATION**

1. **Project Title:** Avenue O-8 Retail Center  
Tentative Parcel Map 26593
2. **Lead Agency:** City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550
3. **Contact Persons:** Richard Kite/ Laurie Lile  
Case Planner/Director of Planning  
(661) 267-5200
4. **Project Location:** Northeast of I-14 at the southeast  
corner of 10th Street West and  
Avenue O-8 in the City of Palmdale
5. **Project Sponsor:** Rothbart Development Corporation
6. **Introduction/Description of Project:**

The Project consists of a 308,632 square foot regional shopping center on a 38.81-acre vacant site in the City of Palmdale. The project includes a 152,261 square foot major warehouse-style discount retailer with a self-serve gas station along the site's northern boundary, and four smaller major retailers (approximately 117,000 square feet total) in the central and southern portion of the project site. Two drive-through restaurants and two retail pads (approximately 31,000 square feet total) along the site's western boundary on 10th Street West.

The Project proposed to include 1,718 standard parking spaces and 38 oversized disabled parking spaces. In the original 2002 Mitigated Negative Declaration (MND) prepared by the City of Palmdale, Figure 3 shows that approximately 0.25 acres of the proposed parking area extends into the adjacent property owned by Los Angeles County Waterworks District No. 40, Antelope Valley (District). However, the MND did not identify that a easement from the District would be required for use of that land as parking.

Therefore, this Addendum amends the MND and the Project to include the required easement from the District for parking purposes.

## **7. Prior Environmental Review Pursuant to the California Environmental Quality Act**

### **2002 MND**

On June 27, 2002, the City of Palmdale adopted the MND for the Project, shown as Exhibit B. At that time, the need for easements from the District (adjacent land owner) for additional parking were not included with the Project, and therefore not included in the MND. However, the Project description in the MND did include the area needed for parking that overlies the area defined by the easement included in Attachment A.

## **8. Minor Changes to the Project**

The Project is amended to include the needed easements to be granted to the A.C. Warnack, the current land owner of the adjacent shopping center, through the instrument included as Exhibit A. This represents a minor technical change or addition to the Project and therefore an addendum is appropriate pursuant to State CEQA Guidelines sections 15162 and 15164.

## **B. CEQA REQUIREMENTS FOR ADDENDUM USE**

If changes to a project or its circumstances occur or new information becomes available after adoption of an EIR or mitigated negative declaration, the lead agency may: (1) prepare a subsequent EIR if State CEQA Guidelines section 15162(a) criteria are met, (2) prepare a subsequent mitigated negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the EIR or mitigated negative declaration are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or mitigated negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or mitigated negative declaration is required only when:

- (a) Substantial changes are proposed in the project which will require major revisions of the previous EIR or mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or mitigated negative declaration due to the involvement of any new significant environmental effects or a

## **7. Prior Environmental Review Pursuant to the California Environmental Quality Act**

### **2002 MND**

On June 27, 2002, the City of Palmdale adopted the MND for the Project. At that time, the need for easements from the District (adjacent land owner) for additional parking were not included with the Project, and therefore not included in the MND. However, the Project description in the MND did include the area needed for parking that overlies the area defined by the easement included in Attachment A.

## **8. Minor Changes to the Project**

The Project is amended to include the needed easements to be granted to the A.C. Warnack, the current land owner of the adjacent shopping center, through the instrument included as Exhibit A. This represents a minor technical change or addition to the Project and therefore an addendum is appropriate pursuant to State CEQA Guidelines sections 15162 and 15164.

## **B. CEQA REQUIREMENTS FOR ADDENDUM USE**

If changes to a project or its circumstances occur or new information becomes available after adoption of an EIR or mitigated negative declaration, the lead agency may: (1) prepare a subsequent EIR if State CEQA Guidelines section 15162(a) criteria are met, (2) prepare a subsequent mitigated negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines § 15162(b).) When only minor technical changes or additions to the EIR or mitigated negative declaration are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or mitigated negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines, § 15164(b).)

Under Section 15162, a subsequent EIR or mitigated negative declaration is required only when:

- (a) Substantial changes are proposed in the project which will require major revisions of the previous EIR or mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or mitigated negative declaration due to the involvement of any new significant environmental effects or a

substantial increase in the severity of previously identified significant effects; or

- (c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the mitigated negative declaration was adopted, shows any of the following:
  - (i) The project will have one or more significant effects not discussed in the previous mitigated negative declaration;
  - (ii) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (iii) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (iv) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## **C. ANALYSIS**

### **1. No "Substantial Changes" Are Proposed Pursuant to State CEQA Guidelines Section 15162(a)(1)**

To determine whether an addendum is the appropriate environmental review document, State CEQA Guidelines requires a three-part analysis. The first part is to determine whether the Project contains substantial changes which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (State CEQA Guidelines, § 15162(a)(1).) The changes to the Project are not substantial and do not require major revisions to the MND.

### **2. No "New Circumstances" Are Present Pursuant To State CEQA Guidelines Section 15162(a)(2)**

The second part of the analysis is to determine whether substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR or mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (State CEQA Guidelines, §

15162(a)(2).) An analysis of the changes indicates that there are no new circumstances that will require major revisions to the MND.

**3. No "New Information" Is Present Pursuant To State CEQA Guidelines Section 15162(a)(3)**

The third part of the analysis is to determine whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR or mitigated negative declaration was adopted, would required certain major revisions to the previous CEQA document. (State CEQA Guidelines, § 15162(a)(3).) An analysis of the changes indicates that there is no new information that will require major revisions to the MND.

**D. CONCLUSION**

The revisions to the MND will not result in any substantial changes that would implicate new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There has not been any substantial change in circumstances or discovery of any substantial new information regarding the Project's environmental effects or mitigation measures. Accordingly, the Board of Supervisors finds, based upon substantial evidence, that this addendum is appropriate under State CEQA Guidelines sections 15162 and 15164.



# EXHIBIT B

## CITY OF PALMDALE

### MITIGATED NEGATIVE DECLARATION

38250 Sierra Highway  
Palmdale, California 93550

**Case Number:** Conditional Use Permit (CUP 02-02)  
Tentative Parcel Map 26593

**Applicant:** Rothbart Development Corporation

**Address:** 1801 Avenue of the Stars, Los Angeles, CA 90067

**Project Description:** The project proposes the construction of a 308,632 sq. ft. regional shopping center on a 38.31-acre vacant site in the City of Palmdale. The proposal includes the construction of a 152,261 sq. ft. major warehouse-style discount retailer with a self-serve gas station along the site's northern boundary, and four smaller major retailers (approximately 117,000 sq. ft. total) in the central and southern portion of the project site. Two drive-through restaurants and two retail pads (approximately 31,000 sq. ft. total) are proposed along the site's western boundary on 10<sup>th</sup> Street West.

Parking improvements, lighting and landscaping will be constructed on the project site. Improvements to surrounding streets are included in the project proposal, consisting of a signalized project entrance on 10<sup>th</sup> Street west, the widening of 10<sup>th</sup> Street West to accommodate five traffic lanes with medians, and the extension of Avenue O-8 along the site's northerly boundary.

The discretionary actions required for project approval include the adoption of a subdivision map to create 10 separate parcels within the project site; the issuance of a Conditional Use Permit (CUP) for the development the project, including development of a gas station and the installation of exterior lighting fixtures that exceed the City's height restriction; action on the project's environmental determination; and the approval of the final project site plan and architectural design.

**Project Location:** The Avenue O-8 Retail Center project site is located northeast of State Route 14 (SR-14, Antelope Valley Freeway) at the southwest corner of 10<sup>th</sup> Street West and Avenue O-8 in the City of Palmdale. The project site is bounded by 10<sup>th</sup> Street West to

the west; SR-14 to the southwest, and the Antelope Valley Country Club to the east. The extension of Avenue O-8, as proposed by the project, will form the site's northerly boundary.

On the basis of the Initial Study prepared for the project, it has been determined that the project could have a potentially significant effect on the environment; and thus, the project has been modified to incorporate the mitigation measures listed below so that it would not have a potentially significant effect on the environment. A copy of said Initial Study is available for review at the Palmdale Planning Department, 38250 Sierra Highway, Palmdale, California 93550. This document constitutes a Mitigated Negative Declaration.

**Mitigation Measure AQ-1**

*Antelope Valley Air Quality Management District (AVAQMD) Rule 403, as amended, shall be adhered to, ensuring the clean up of the construction-related dirt on approach routes to the site, and the application of water and/or chemical dust retardants that solidify loose soils shall be implemented for construction vehicle access, as directed by the City Engineer. This shall include covering, water, or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days). The following measures shall also be implemented:*

- Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. The applicant shall maintain sufficient vehicles and equipment for watering purposes. Active sites shall be watered as necessary. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day. All unpaved construction roads shall be watered as necessary.*
- All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.*
- Stockpiles of soil, sand, and other similar materials shall be stabilized by being enclosed, covered, watered, or with application of non-toxic soil binders. All truck loads of export debris shall be covered and shall maintain a minimum of two feet freeboard.*

**Mitigation Measure AQ-2**

*Heavy construction equipment shall be properly tuned and maintained to reduce emissions. Construction equipment shall be fitted with the most modern emission control devices. The construction manager shall monitor compliance with this measure and is subject to periodic inspections by City Building Inspectors.*

*The project shall comply with Rule 461, which establishes requirements for vapor control from the transfer of fuel from the fuel truck to vehicles both during construction and subsequent operations.*

**Mitigation Measure AQ-4**

*Diesel powered equipment shall be located as far away as possible from sensitive land uses and areas. Specifically, diesel compressors, pumps, and other stationary machinery shall be located to the extent feasible away from sensitive receptors.*

**Mitigation Measure AQ-5**

*Construction equipment shall be shut off to reduce idling when not in direct use for extended periods of time.*

**Mitigation Measure AQ-6**

*Construction activities shall be discontinued during second stage smog alerts.*

**Mitigation Measure AQ-7**

*Prior to building permit or occupancy permit issuance, if required, the project applicant shall provide written verification that any required permits have been secured from the Antelope Valley AQMD to construct and/or operate the facility.*

**Mitigation Measure PL-1**

*The project applicant shall develop a Native Desert Vegetation Preservation Plan and receive a permit prior to the removal of Joshua Trees and California Junipers for the proposed project.*

**Mitigation Measure AL-1**

*Prior to project development, the project applicant must obtain a 2081 permit from CDFG for impacts on the Mohave Ground Squirrel. The permit application must outline compensation for expected impacts on the habitat for this species. Compensation can include, but is not limited to, purchase of off-site property to be included within permanent open space areas. The compensation will be discussed in consultation with CDFG and the City of Palmdale.*

**Mitigation Measure N-1**

*Construction activities shall comply with City of Palmdale Municipal Code Section 8.28.030, which permits construction noise between the hours of 6:30 a.m. and 8:00 p.m., Monday through Saturday. No construction shall be allowed on Sundays and public holidays.*

**Mitigation Measure N-2**

*Stationary on-site construction equipment and construction vehicle staging areas shall be placed such that emitted noise is directed away from sensitive noise receivers, to the satisfaction of the Planning Director. All construction equipment, fixed or mobile, shall be*

*equipped with properly operating and maintained mufflers, to the satisfaction of the Building and Safety Department.*

**Mitigation Measure N-3**

*The mechanical equipment shall be located and designed so that it will not exceed City noise standards at the adjacent residential land uses. Mitigation to ensure this includes requirements for specifications for quiet equipment, and orienting equipment away from the homes so that it is shielded by the building from the homes. All mechanical equipment shall be located on the side of the building furthest from the residential areas or shall be constructed with a parapet around the equipment so that it is shielded, to the satisfaction of the Director of Planning and the Building and Safety Department.*

**Mitigation Measure N-4**

*Prior to issuance of building permits, the applicant shall demonstrate that all project structures will meet applicable City interior noise levels, in accordance with applicable noise standards and zoning regulations.*

**Mitigation Measure TC-1**

*10<sup>th</sup> Street West/Avenue O - The project proponent shall make a fair share contribution to the cost of installing of a traffic signal at this intersection. The project's fair share responsibility towards this improvement is 18.0 percent of the total improvement cost.*

**Mitigation Measure TC-2**

*SR-14 Southbound On-ramp/Avenue P - The project applicant shall make a fair share contribution to the cost of installing of a traffic signal at this intersection. The project's fair share responsibility towards this improvement is 4.0 percent of the total improvement cost.*

**Mitigation Measure TC-3**

*Mitigation of the project's cumulative impacts can be accomplished through implementation of the City's traffic impact fee program, reducing such impacts to less-than-significant.*

**RESPONSIBLE AGENCIES:** Lahontan Regional Water Quality Control Board.

**TRUSTEE AGENCY:** California Department of Fish and Game.

Notice Pursuant to Section 21092.5 of the Public Resources Code:

A Public Hearing will be held by the Planning Commission of the City of Palmdale in the Palmdale Council Chambers, 38300 Sierra Highway, Suite B, Palmdale, California on June 27, 2002, at 7:00 p.m. to consider this project. At that time, any interested person is welcome to attend and be heard on this matter.

Mitigated Negative Declaration  
Avenue O-8 Retail Center  
May 2002  
Page 5

Prior to the Public Hearing, the public is invited to submit written comments on this Mitigated Negative Declaration to the Palmdale Planning Department, Attention: Richard Kite, Case Planner, 38250 Sierra Highway, Palmdale, California 93550; or phone (661)267-5200. Please refer to the Case Number listed above.

  
Laurie Lile  
Director of Planning

5-21-02  
Date

CITY OF PALMDALE  
OFFICE OF THE  
PLANNING DEPARTMENT

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MEMORANDUM

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TO: All Interested Parties

FROM: Planning Department

SUBJECT: REQUEST FOR REVIEW OF THE DRAFT MITIGATED  
NEGATIVE DECLARATION FOR AVENUE O-8 RETAIL CENTER,  
LOCATED NORTHEAST OF STATE ROUTE 14 AT THE  
SOUTHEAST CORNER OF 10<sup>TH</sup> STREET WEST AND AVENUE  
O-8 IN THE CITY OF PALMDALE.

DATE: May 24, 2002

The attached MND has been forwarded to you for review and comment. Comments will be received by the Planning Department until 5:00 p.m. on June 25, 2002. Comments should be directed to: Richard Kite, Case Planner, City of Palmdale Planning Dep't, 38250 Sierra Highway, Palmdale, California 93550 or telephone (661)267-5200.

Copies sent to:

**City of Palmdale**

Applicant  
Case Planner  
City Engineer  
City Hall Counter Copy  
Director of Public Works  
Library  
Planning Counter copy

**State Agencies:**

State Clearinghouse, Office of Planning and Research (15 copies)

**County of Los Angeles:**

Los Angeles County Dept. of Public Works  
Los Angeles County Fire Dept. (3 copies)  
Los Angeles County Sanitation Districts  
Los Angeles County Sheriff's Dept.  
Los Angeles County Water Works Districts

**School Districts:**

Antelope Valley Union High School District  
Palmdale School District

**Federal Agencies:**

Department of the Air Force (Plant 42)

**Utilities/Services**

Antelope Valley Transit Authority  
Antelope Valley United Water Purveyors, Inc.  
Southern California Edison  
Southern California Gas

**Other:**

Antelope Valley Air Quality Management District  
City of Lancaster  
Palmdale Chamber of Commerce  
Southern California Association of Governments

**CITY OF PALMDALE**  
**PLANNING DEPARTMENT**  
**INITIAL STUDY**  
**QUESTIONNAIRE**

**APPLICATION NO:** Conditional Use Permit (CUP) 02-02  
Tentative Parcel Map 26593

**NAME OF APPLICANT:** Rothbart Development Corporation

**LOCATION OF PROJECT:** The Avenue O-8 Retail Center project site is located northeast of State Route 14 (SR-14, Antelope Valley Freeway) at the southwest corner of 10<sup>th</sup> Street West and Avenue O-8 in the City of Palmdale. The project site is bounded by 10<sup>th</sup> Street West to the west; SR-14 to the southwest, and the Antelope Valley Country Club to the east. The extension of Avenue O-8, as proposed by the project, will form the site's northerly boundary. Please refer also to Figure 1, "Regional Location" and Figure 2, "Aerial View of the Project Site and Vicinity."

**EXISTING GENERAL PLAN  
LAND USE DESIGNATION:** Regional Commercial

**PROPOSED GENERAL PLAN  
LAND USE DESIGNATION:** Regional Commercial

**EXISTING ZONING:** C-4, Commercial Center

**PROPOSED ZONING:** C-4, Commercial Center

**PRESENT LAND USE:** Vacant Land

**LOCATION MAP:** See Figure 1, "Regional Location" and Figure 2, "Aerial View of the Project Site and Vicinity."



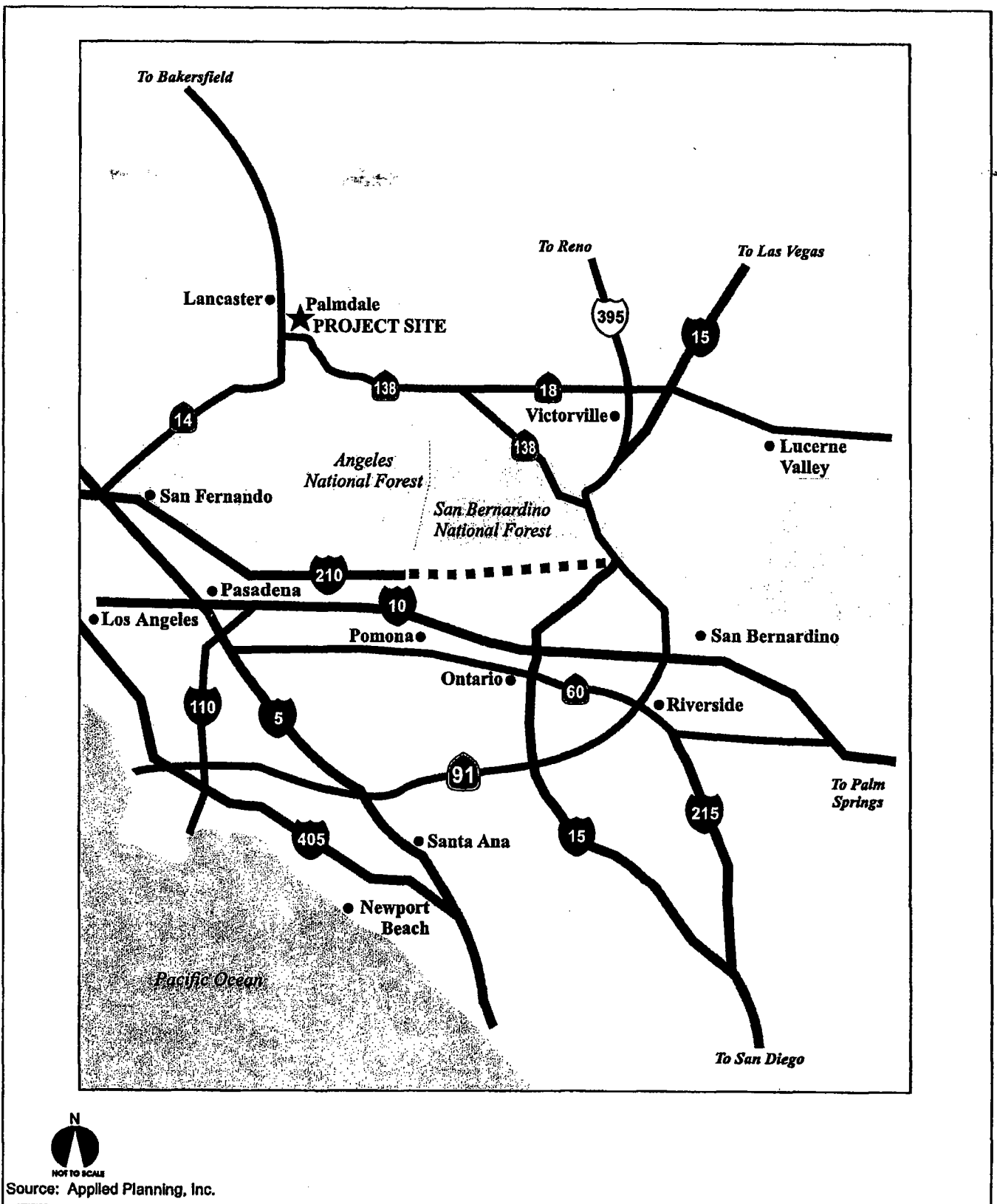
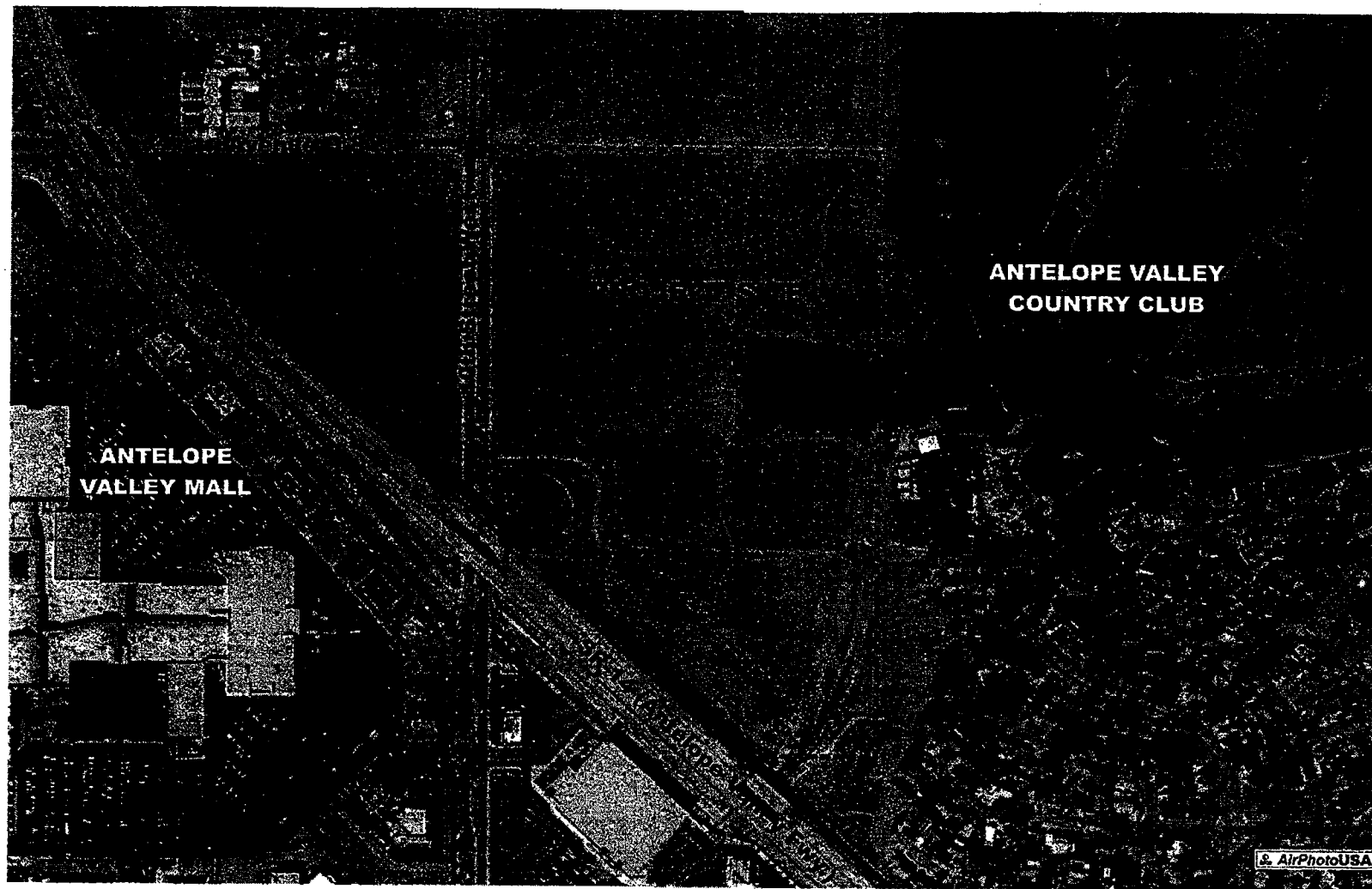


Figure 1  
Regional Location





AirPhotoUSA



NOT TO SCALE

Source: Rothbart Development Corporation (AirPhotoUSA)



Figure 2  
Aerial View of Project Site and Vicinity

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 4

**I. APPLICABILITY OF THE INITIAL STUDY**

- A. Is the proposed action a "project" as defined by CEQA? ☒ Yes ☐ No

Please refer to Discretionary Actions detailed on Page 9 of this Initial Study.

1. If the project qualifies for one of the Categorical Exemptions listed in Section 6.C. of the City's CEQA Guidelines, is there a reasonable possibility that the activity will have a significant effect due to special circumstances? ☐ Yes ☐ No ☒ N/A

**II. INITIAL STUDY REVIEW**

- A. Does the project require a 30-day State Clearinghouse review?  
☒ Yes ☐ No

**III. PROJECT ASSESSMENT**

A. Project Description and Background: The project site is a vacant, undeveloped parcel of land encompassing approximately 38 acres. Based on review of historical aerial photographs dating back to 1952, performed by Krazan and Associates as part of the Phase I Environmental Site Assessment (included in this IS/MND as Appendix A), it appears that no development or agricultural use of the site has occurred during the last fifty years.

Development in the vicinity of the project has occurred gradually, beginning in the 1960s with the construction of United States Air Force Plant 42, located approximately 1.5 miles to the northeast of the project site. Residential development in the vicinity increased through the late 1980s, culminating with the development of the Antelope Valley Country Club to the east, and construction of the Antelope Valley Mall to the southwest of the project site, across the Antelope Valley Freeway (SR-14).

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 5

The project proposes the construction of a regional shopping center with a total building area of 308,632 sq. ft. Plans for the 38.31-acre site include the development of a 152,261 sq. ft. major warehouse-style discount retailer with a self-serve gas station along the site's northern boundary, and four smaller major retailers (approximately 117,000 sq. ft. total) in the central and southern portion of the project site. Two drive-through restaurants and two retail pads (approximately 31,000 sq. ft. total) are proposed to be constructed along the site's western boundary on 10<sup>th</sup> Street West. Please refer also to Figure 3, "Project Site Plan."

**Related On-Site Improvements**

***Parking***

Parking improvements, along with site and tenant identification signage and landscaping are also included in the project proposal. Parking provided by the project includes 1,718 standard parking spaces and 38 oversized spaces for the disabled, with a resulting ratio of 5.57 parking spaces per 1,000 square feet of building area. This exceeds the 1,278 parking spaces required by City ordinance.

**Table 1**  
**Avenue O-8 Retail Center**  
**Proposed Land Uses and Square Feet of Building Area**

<b>Land Use</b>	<b>Building Area (Sq. Ft.)</b>
Major 1	152,261
Major 2	9,550
Major 3	32,932
Major 4	41,425
Major 5	41,425
Pad "A" (Retail)	18,435
Pad "B" (Retail)	5,600
Pad "C" (Drive-Thru Restaurant)	3,500
Pad "D" (Drive-Thru Restaurant)	3,500
<b>TOTALS</b>	<b>308,628</b>

The sizes and spacing of all parking spaces will be provided consistent with the City of Palmdale Zoning Ordinance, Article 87, Section 87.05.

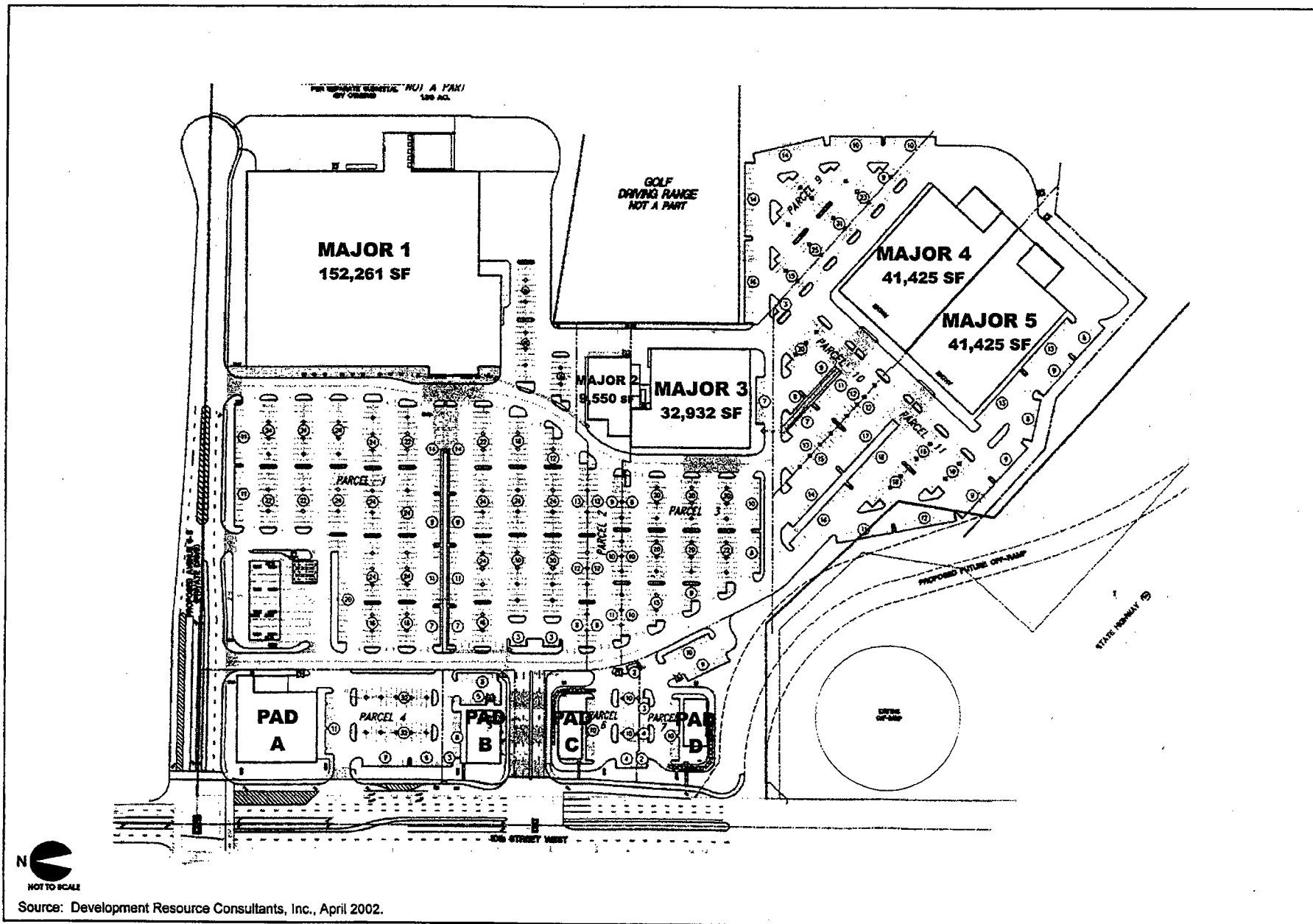


Figure 3  
Project Site Plan

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Avenue O-8 Retail Center  
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***Lighting***

Commercial lighting for the project will be provided for safety, identification and aesthetic purposes. Typical applications will include building lighting, area/parking lot lights, and illuminated signage. Proposed lighting for the project will generally be provided consistent with the City of Palmdale Zoning Ordinance, Article 86, Sections 86.03. However, the applicant is seeking a conditional use permit to allow the use of 42-foot high, free-standing light fixtures in parking areas throughout the project site. These fixtures exceed the 35-foot lighting height currently allowed in commercial zones.

***Property Definition and Perimeter Treatment***

To a large extent, the project site is defined by existing and proposed physical features. Specifically, to the north, west, and south/southeast, the project area is defined by abutting roads and rights-of-ways. To the east, the project site is bounded by the Amargosa Creek Channel.

Perimeter landscape and hardscape elements proposed by the project will further define the project site, and enhance views of the project area, particularly as seen from abutting 10<sup>th</sup> Street West and proposed Avenue O-8. All perimeter treatments will be provided consistent with the City of Palmdale Zoning Ordinance, Article 86, Sections 86.04.

***Landscaping***

As noted above, perimeter landscaping is proposed along the project site's 10<sup>th</sup> Street West and (proposed) Avenue O-8 frontages. All landscaping required of the project will be implemented consistent with the City of Palmdale Zoning Ordinance, Article 86, Sections 86.01, and the requirements of City Ordinance 952, which regulates the protection of native desert vegetation.

***Site Preparation***

To provide for construction of the proposed project, the site will be cleared and stripped of loose, surface soils to a minimum depth of two to four inches. Deeper excavation may be required in localized areas. Potentially compressible soils in areas of the proposed structures pads will be removed and re-compacted in accordance with the recommendations of the *Geotechnical Engineering Investigation* prepared for the project site by Krazan and Associates, Inc. This technical report is available for review at the City of Palmdale Planning Department. It is estimated that all

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 8

earthwork will be accomplished within a period of approximately two to four weeks.

**Off-Site Improvements**

Access to the site will be provided via a signalized project entrance on 10<sup>th</sup> Street West, to be located approximately 600 feet south of Avenue O-8. 10<sup>th</sup> Street West will be widened to five lanes with an ultimate curb-to-curb width of 125 feet, and the existing center median will be modified consistent with the planned widening. Avenue O-8 will be extended east from 10<sup>th</sup> Street West as a two lane, 76-foot wide roadway along the site's northerly boundary, terminating in a cul-de-sac at the site's northeastern corner.

Utilities, including electricity, natural gas and telecommunications, will be extended to the project site from existing easement corridors in 10<sup>th</sup> Street West. Water will be purveyed to the project by the Los Angeles County Division of Waterworks, and sewer services will be provided by the Los Angeles County Sanitation Department, District 14, upon annexation. The proposed major retailers on-site will be served by a ring distribution/collection system, with two connections to existing 12-inch water and 10-inch sewer lines in Avenue O-8. The smaller retailers along 10<sup>th</sup> Street West will be individually connected to existing water and sewer facilities in the 10<sup>th</sup> Street West right-of-way.

Storm runoff will be routed to the adjacent Amargosa Creek, a regional flood control facility that is located to the east of the project site between the project boundary and the Antelope Valley Country Club. Plans are currently being finalized for the improvement of Amargosa Creek and simultaneous construction of a bypass channel to be located behind majors 3 and 4. All channel improvements will occur independently from the proposed project under the direction of the City. It is anticipated that the project proponent will construct two direct connections to Amargosa Creek in order to adequately convey storm flows from the project site. The design of these connections is being coordinated with re-design of the channel.

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Avenue O-8 Retail Center  
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**Discretionary Actions**

The following discretionary actions will need to be approved by the Palmdale Planning Commission and City Council in order to realize the proposed project:

- Action on the environmental determination;
- Approval of Tentative Parcel Map 26593;
- A Conditional Use Permit (CUP) which addresses the following project elements:
  - Establishment of the proposed development;
  - Development of a gas station; and

Lighting fixtures in excess of the 35-foot height restriction, proposed to be located in the parking areas of the project

- Approval of the site plan and architectural design of the project.

In addition to the approvals required by the City of Palmdale, the Los Angeles County Department of Sanitation will need to approve the removal of the project site from Sanitation District 20, and annexation into County Sanitation District 14.

B. Description of the Project Site: The project site is currently relatively flat, vacant land, devoid of any structures. No designated scenic vistas, cultural, or historic resources have been identified within the project area.

C. Surrounding Land Uses:

North: Vacant Land designated for future commercial uses  
East: Antelope Valley County Club/Residential  
South: Commercial, County-owned property  
West: Vacant land designated for regional commercial across 10<sup>th</sup> Street West south of Avenue O-8; vacant land designated for office commercial uses, and existing church use north of Avenue O-8; and Antelope Valley Mall across SR-14



INITIAL STUDY  
Avenue O-8 Retail Center  
Page 10

D. Is the proposed project consistent with:

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
City of Palmdale General Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicable Specific Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
City of Palmdale Zoning Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Congestion Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regional Comprehensive Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. Have any of the following studies been submitted?

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Geology Report                 | <input type="checkbox"/> Historical Report                |
| <input type="checkbox"/> Hydrology Report                          | <input checked="" type="checkbox"/> Archaeological Report |
| <input checked="" type="checkbox"/> Soil Report                    | <input checked="" type="checkbox"/> Paleontological Study |
| <input checked="" type="checkbox"/> Traffic Study                  | <input type="checkbox"/> Line of Sight Exhibits           |
| <input checked="" type="checkbox"/> Noise Study                    | <input type="checkbox"/> Visual Analysis                  |
| <input checked="" type="checkbox"/> Biological Study               | <input type="checkbox"/> Slope Map                        |
| <input type="checkbox"/> Native Vegetation<br>Preservation Plan    | <input type="checkbox"/> Fiscal Impact Analysis           |
| <input type="checkbox"/> Solid Waste<br>Generation Report          | <input checked="" type="checkbox"/> Air Quality Report    |
| <input type="checkbox"/> Public Services/<br>Infrastructure Report | <input type="checkbox"/> Hazardous Materials/<br>Waste    |

Technical studies prepared for this project are attached to this document, as follows:

- Appendix A: Phase I Environmental Site Assessment, Krazan & Assoc.
- Appendix B: Geotechnical Engineering Investigation, Krazan & Assoc.
- Appendix C: Air Quality Impact Analysis, Giroux & Associates
- Appendix D: Biological Resources Assessment, BonTerra Consulting  
Supplemental Letter, White and Leatherman Bioservices
- Appendix E: Noise Impact Study, LSA Associates, Inc.
- Appendix F: Traffic Impact Analysis, LSA Associates, Inc.
- Appendix G: Cultural Resources Assessment, LSA Associates, Inc.

INITIAL STUDY  
Avenue O-8 Retail Center  
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IV. DETERMINATION

On the basis of this initial evaluation:

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

This initial study was prepared by:

05-21-02  
Date

05-21-02  
Date

Applied Planning Inc.

Asoka Herath  
Assistant Director of Planning

Laurie Lile  
Director of Planning

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Avenue O-8 Retail Center  
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**V. EARLIER ANALYSES**

- a. City of Palmdale General Plan FEIR. (SCH No. 87120908) Prepared for the City of Palmdale by Michael Brandman Associates, and certified by the Palmdale City Council (Resolution No. 93-10) on January 25, 1993. This document was prepared to analyze the potential impacts from full buildout of the City's General Plan, including the provision of roadways, infrastructure and development of urban uses. The General Plan EIR anticipated that significant impacts to air quality, loss of open space, seismic related risks, biological resources, jobs/housing balance, traffic impacts and cumulative impacts to groundwater resources would occur with implementation of the City's General Plan. All other impacts were found to be mitigatable to a level of insignificance through the mitigation measures imposed within the General Plan. A copy of this EIR is available for review at the City of Palmdale Planning Department.
  
- B. Biological Resources Assessment on 240 Acres Located on the South Side of Avenue O and east Side of 10<sup>th</sup> Street West, Palmdale, California (October 14, 1998). Prepared for the City of Palmdale by BonTerra Consulting. This assessment was prepared in accordance with accepted scientific and technical standards that are consistent with the requirements of the U.S. Department of Fish and Wildlife Service and the California Department of Fish and Game. The report presents general biological surveys of the site to identify sensitive plant and wildlife species known to occur in the vicinity. This report is included in this IS/MND as part of Appendix D.

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**VI. EVALUATION OF ENVIRONMENTAL IMPACTS**  
(Explanation of all answers is required.)

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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A. Earth:

Based on the geotechnical or soils study for the project, review by the City's Engineering Department, and/or the General Plan Update:

1. Soils

- a. Are there any areas of potential differential settlement on the project site which could significantly impact development of the proposed project?

☐ ☐ ☒ ☐

- b. Is the site in an area of high shrink/swell (hydrocompaction) potential which could significantly impact development of the proposed project?

☐ ☐ ☒ ☐

- c. Is the site in an area of potential subsidence?

☐ ☐ ☒ ☐

- d. Will the project result in a significant increase in wind or water erosion of soils, either on- or off-site?

☐ ☐ ☒ ☐

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Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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- e. Could the project result in siltation deposition, or erosion which may modify a stream channel, or adversely affect downstream flood control facilities?

☐ ☐ ☒ ☐

Construction activities associated with the proposed project will temporarily expose underlying soils, thereby increasing their susceptibility to erosion until the project is fully implemented. Normally, potential erosion impacts incurred during construction activities are mitigated below the level of significance through preparation of, and compliance with, a Storm Water Pollution Prevention Plan (SWPPP) administered by the Lahontan Regional Water Quality Control Board. In this regard, the project proponent is required to file and comply with a City-approved SWPPP prior to initiation of construction activities. As supported by the preceding discussion, the potential for the proposed project to result in substantial soil erosion is considered less-than-significant.

The Geotechnical Engineering Investigation prepared for the proposed project indicates that, with proper soils engineering, the project site will not be substantially limited by unstable geologic conditions including potential susceptibility to hydrocompaction, landsliding, lateral spreading, subsidence, liquefaction, or collapse. Nor is there evidence that the project area is affected by expansive soils conditions.

It is anticipated that compliance with applicable provisions of the Uniform Building Code (UBC), together with application of accepted geologic/soils engineering practices, will provide appropriate design solutions for geologic conditions that may be encountered within the project area.

As supported by the preceding discussion, the potential for the project to encourage or allow for implementation of facilities in locations that are adversely affected by unstable geologic conditions, including potential susceptibility to hydrocompaction, landsliding, lateral spreading, subsidence, liquefaction or collapse is considered less-than-significant. Similarly, the potential for the project to result in, or encourage location of facilities in areas that are adversely affected by expansive soils is considered less-than-significant.

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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2. Earthquakes

Based on the Alquist-Priolo Earthquake Fault Zoning Map (as amended 1994) and California Division of Mines and Geology Special Publication 42 (1997), or the geotechnical report for the project site:

- a. Is the site in a fault rupture hazard zone? ☐ Yes ☒ No

If yes:

- i. Is there an active or potentially active fault on the project site? ☐ Yes ☒ No
- ii. Does the project include a school, emergency or public facility, day care center, nursing home, or high rise building? ☐ Yes ☒ No

- b. Is the site in a zone subject to seismic ground shaking, ground failure, or liquefaction?

☐ ☐ ☒ ☐

Based on information presented in the preliminary Geotechnical Engineering Investigation prepared for the project site by Krazan & Associates, Inc., the project site is not located within a designated Alquist-Priolo Earthquake Fault Zone or Special Studies Zone. The subject site is located approximately 2.5 miles northeast of the San Andreas Fault Zone. Although the San Andreas fault is classified by the State of California as an active fault, there is no record of recent fault activity in the general Palmdale area. While seismic ground shaking on-site may be unavoidable, the presence of active or potentially active faults, with known surface traces traversing the project site is considered unlikely.

Building officials and engineers have long recognized the impacts of earthquakes and ground shaking on structures. Appropriate measures which

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reduce the effects of earthquakes are identified in the Uniform Building Code (UBC), including specific provisions for seismic design of structures. The City of Palmdale has adopted the UBC for design and implementation of all structures within the City, including the proposed project. Short of a catastrophic event, design of structures in accordance with the UBC and current professional engineering practices, is sufficient to reduce the effects of seismic ground shaking below the level of significance.

Liquefaction and seismically induced settlement or ground failure are generally associated with strong seismic shaking in areas where ground water tables are at relatively shallow depths (within 50 feet of the ground surface) and/or when the area is underlain by loose, cohesionless deposits. During a strong groundshaking event, saturated, cohesionless soils may acquire a degree of mobility to the extent that the overlying ground surface distorts. In extreme cases, saturated soils become suspended in groundwater and become fluid-like.

The Geotechnical Investigation prepared for the project site states that the soils found within a depth of 50 feet on the project site predominately consist of medium-dense to very dense silty sand, and sand with lenses of gravel. The borings performed on site indicated no evidence of groundwater within 50 feet below ground surface, and the report states that "information obtained from previous investigations performed in the vicinity of the project site indicate that groundwater is present at a depth greater than 50 feet below site grade." (*Krazan & Associates, Inc. Geotechnical Engineering Investigation*, page 7). Due to the depth of groundwater on-site, the Geotechnical Investigation evaluates the potential for liquefaction at the site as "very low."

Seismic ground settlement is a potential impact on-site, occurring when loose, unconsolidated soils shift during the seismic shaking which accompanies any earthquake. Over-excavation and recompaction of the loose soils and/or fill on-site, as described in the Geotechnical Investigation, will result in a potential for impact that is less-than-significant.

Given the relatively level ground conditions that exist on-site and on adjacent properties, there is a very limited potential for landslides to occur, and this potential impact is also considered less-than-significant.

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Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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3. Slopes

Based on the U.S.G.S. Topographic Map, the slope map submitted for the project, the geotechnical report for the project, and/or a site inspection:

- a. Does the project site contain slopes of 10% or greater?

☐ ☐ ☒ ☐

- b. Is any significant modification of major landforms proposed?

☐ ☐ ☒ ☐

- c. Is the project in an area of landslide risk, or are landslides present on the project site?

☐ ☐ ☒ ☐

- d. Will project grading create slopes, on- or off-site, that could be subject to landslides, mudslides, or erosion?

☐ ☐ ☒ ☐

The project does not propose any significant modification of major landforms and given the relatively level ground conditions that exist on-site and on adjacent properties, there is a very limited potential for landslides or mudslides to occur, and these potential impacts are considered less-than-significant.



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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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4. Quarry Zone

Based on a site inspection, the City's General Plan Land Use Map, and/or the Significant Gravel Resource Area Maps of the State Department of Mines and Geology:

- a. Would development of the project impede the extraction of significant mineral resource deposits?

☐ ☐ ☐ ☒

The project site is not located within a significant mineral resources area. Development of the property will have no impact on the extraction of significant mineral resource deposits.

B. Air:

Based on the criteria in the South Coast Air Quality Management Handbook for the Preparation of EIRs (1987), the Air Quality Study prepared for the proposed project, the Antelope Valley Air Quality Management Plan, and/or the land use proposed:

1. Emissions

- a. Will the project result in significant air emissions or deterioration of ambient air quality either from stationary or mobile sources?

☐ ☐ ☒ ☐

- b. Could the proposed project produce potentially toxic air emissions?

☐ ☐ ☒ ☐

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- c. Will the project potentially result in the creation of objectionable odors?

☐ ☐ ☒ ☐

- d. Could the project result in the alteration of air movement, moisture or temperature, or any change in climate either locally or regionally?

☐ ☐ ☒ ☐

The proposed project will not violate adopted air quality standards or contribute substantially to existing or future air quality violations; nor will it result in exceedances of identified criteria pollutants. The Air Quality Impact Analysis prepared for the project indicates that most project-related air quality impacts will be generated by mobile sources, specifically vehicles used by customers and employees, as well as for deliveries to on-site uses. Project-specific analyses of potential carbon monoxide "hot spots" and the generation of other criteria pollutants, as assessed in the Air Quality Impact Analysis, are summarized in the following paragraphs.

***Carbon Monoxide Hotspots***

Project related carbon monoxide (CO) levels may exceed clean air standards at traffic stagnation points such as congested intersections. Such localized violations are called "hot spots." A hot spot analysis was conducted at all intersections in the project vicinity where existing or future (without and with project) levels of service are shown in the traffic study to be equal "D" or worse. Peak hour traffic was combined with minimum theoretical dispersion conditions, and these conditions were presumed to coincide with the highest one-hour CO level observed within the last three years (worst case-worst case).

The results of the hot spot analysis are shown in Table 2, below. All microscale one-hour exposures will be less than the most stringent one-hour standard. Future CO levels are predicted to decline as vehicular improvements exceed the rate of traffic/congestion growth. Project-related traffic will not violate any air

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quality standards, or contribute substantially to an existing or projected air quality violation. Localized air quality impacts in the project vicinity will be individually and cumulatively less-than-significant.

**Table 2**  
**Microscale CO Impact Analysis<sup>1</sup>**

	2001	2003		2020	
Intersection	Existing	Back.	+ Project	Base	+ Project
10 <sup>th</sup> St. West at:					
Avenue N	X.X <sup>2</sup>	X.X	9.2	X.X	X.X
Avenue O	9.7	10.0	10.9	X.X	X.X
Avenue P	X.X	13.0	15.6	10.9	11.2
Mall Entrance	X.X	X.X	X.X	X.X	7.8
SR-14 Ramp at:					
Avenue P	X.X	16.5	16.9	X.X	X.X

Source: Air Quality Impact Analysis, Giroux & Associates, December 26, 2001.

<sup>1</sup> Quantities are defined in 1-hour CO concentration in parts per million (ppm). The threshold standard is 20 ppm.

<sup>2</sup> X.X = Level of Service "C" or better

***Other Criteria Pollutants***

Regional emissions from project traffic were calculated using the California Air Resources Board (CARB) URBEMIS7G computer model. The emissions burden is summarized in Table 3. For 100 percent project occupancy in 2003, the adopted thresholds for ozone precursors (ROG and NOx) will be exceeded by 3 to 16 percent. By 2005, the CARB modeling projections show ROG and NOx emissions at sub-threshold levels, due to the cumulative replacement of older vehicles with newer, cleaner-burning vehicles. Any degree of "excess" emissions will be small and very short-lived. Operational (mobile-source) impacts will be individually less-than-significant.

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Table 3  
Regional Mobile Source Emissions (lbs./day)

Scenario:	ROG	NOx	CO	PM-10
2003	87	103	608	48
2005	72	94	550	48
Significance Threshold	75	100	550	150
Project Share:				
2003	116%	103%	111%	32%
2005	96%	94%	100%	32%

Source: Air Quality Impact Analysis, Giroux & Associates, December 26, 2001.

The proposed project may contribute cumulatively to regional air quality impacts because it individually "consumes" the entire significant impact emissions threshold for air quality. However, the same level of cumulative regional emissions would result for the "no project" alternative since the proposed project accommodates an existing demand for goods and services, and does not create the demand. "Big box" retail centers in developing areas such as Palmdale consolidate multiple trips to various smaller facilities, and they intercept longer trips to obtain value-priced goods and services not available under the no-project alternative.

The Antelope Valley Air Quality Management District (formerly called the Antelope Valley Air Pollution Control District) has not adopted significance thresholds for project-related sources of air pollution. There are thus no quantitative emissions-based significance thresholds as might be applied to an indirect source of emissions. In the absence of any quantitative guidelines on what constitutes a "cumulatively considerable net increase" of emissions associated with a commercial project, criteria from other jurisdictions have been used as a guide. The South Coast AQMD, in its *CEQA Handbook* (1993), identifies a reduction in individual trips generated (by consolidation of multiple purchase opportunities) and vehicle miles traveled, or VMT (by intercepting longer out-of-area trips), as a sufficient basis for supporting a finding of a less-than-significant cumulative air quality impact. Because residential growth has already occurred, and is forecast to continue to occur in the Palmdale area, and because "home-to-shop" trips have already been allocated to such growth, there is no cumulative air quality impact from commercial growth that services such residential growth.

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Temporary emissions from dust and equipment will result during construction. Fugitive dust is a primary concern because of the arid climate of the Antelope Valley. Daily PM-10 emissions during construction average 10.2 pounds per acre disturbed when required dust control procedures (AVAQMD rules) are implemented. The project site is 38.31 acres. Simultaneous grading of the entire site could cause the PM-10 threshold to be exceeded. By limiting the area of simultaneous disturbance, a less-than-significant impact can be maintained.

The following measures are necessary to support this finding:

- 1) Dust control procedures shall use best available control measures (BACMs) as required by the AVAQMD.
- 2) The daily grading "footprint" shall be maintained at 40 percent of the total project site area on any given day (15 acres or less).

Equipment exhaust will be generated from diesel equipment. A preliminary equipment mix for site grading has been provided by a grading contractor familiar with the site. Because the site is relatively flat, grading quantities are small, and associated equipment use is minimal.

Equipment requirements for project construction are estimated as follows:

- 3 scrapers
- 2 water trucks
- 1 motor grader
- 1 loader

The emission factors associated with such equipment operations, and the resulting daily emissions relative to the adopted significance threshold, are included in the Air Quality Impact Analysis. All emissions will be well below the threshold of significance for each pollutant. Construction activity equipment exhaust emission impacts will be less than significant.

Because of the non-attainment status of the airshed, reasonably available control measures (RACMs) should be implemented even if they are not required to maintain a less than significant air quality impact. Recommended BACMS during construction activities include:

- 1) On-site equipment will be maintained in good tune,
- 2) Vehicle idling will be limited to no more than ten (10) minutes while waiting to load or unload.

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Toxic air contaminants (carcinogenic elements potentially generated by diesel exhaust) would have a "substantial" exposure risk if they were generated by site activities, and if there was a sensitive population in the project vicinity. Exposure risk is expressed as a theoretical worst-case outdoor exposure of 24 hours/day, 365 days/year, 70 years of exposure.

However, even with this worst-case assumption, carcinogenic diesel exhaust impacts adjacent to commercial center construction and operations have been demonstrated to be less than significant (Harbor Center EIR, 1999) for residents adjacent to the project property line. With greater source/receptor separation at the project site, diesel exhaust exposure will be a *de minimis* public health risk.

There are no odor emissions associated with "big box" retail operations. Odors could result from fast-food operations using charcoal grills, and possibly from fuel usage at the service station. Rules of the AVAQMD prohibit activities that create odor nuisance. Compliance with air district rules will limit cooking exhaust and fuel storage/dispensing odor emissions to insignificant levels. Further, compliance with the City's Zoning Ordinance and State public health requirements relative to the disposal of food wastes will minimize the potential for objectionable odors to result from project implementation

With the implementation of the following mitigation measures, impacts to air quality are considered less-than-significant.

**Mitigation Measure AQ-1**

*Antelope Valley Air Quality Management District (AVAQMD) Rule 403, as amended, shall be adhered to, ensuring the clean up of the construction-related dirt on approach routes to the site, and the application of water and/or chemical dust retardants that solidify loose soils shall be implemented for construction vehicle access, as directed by the City Engineer. This shall include covering, water, or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days). The following measures shall also be implemented:*

- *Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. The applicant shall maintain sufficient vehicles and equipment for watering purposes. Active sites shall be watered as necessary. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day. All unpaved construction roads shall be watered as necessary.*

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- *All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.*
- *Stockpiles of soil, sand, and other similar materials shall be stabilized by being enclosed, covered, watered, or with application of non-toxic soil binders. All truck loads of export debris shall be covered and shall maintain a minimum of two feet freeboard.*
- *Active grading areas of the project site shall not exceed 40 percent of the total project site area on any given day (15 acres or less).*

**Mitigation Measure AQ-2**

*Heavy construction equipment shall be properly tuned and maintained to reduce emissions. Construction equipment shall be fitted with the most modern emission control devices. The construction manager shall monitor compliance with this measure and is subject to periodic inspections by City Building Inspectors.*

**Mitigation Measure AQ-3**

*The project shall comply with Rule 461, which establishes requirements for vapor control from the transfer of fuel from the fuel truck to vehicles both during construction and subsequent operations.*

**Mitigation Measure AQ-4**

*Diesel powered equipment shall be located as far away as possible from sensitive land uses and areas. Specifically, diesel compressors, pumps, and other stationary machinery shall be located to the extent feasible away from sensitive receptors.*

**Mitigation Measure AQ-5**

*Construction equipment shall be shut off to reduce idling when not in direct use for extended periods of time.*

**Mitigation Measure AQ-6**

*Construction activities shall be discontinued during second stage smog alerts.*

**Mitigation Measure AQ-7**

*Prior to building permit or occupancy permit issuance, if required, the project applicant shall provide written verification that any required permits have been secured from the Antelope Valley APCD to construct and/or operate the facility.*

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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C. Water:

1. Natural Streams, Springs, and Wetlands

Based on the type of project, the U.S.G.S. Topographics Maps, the exhibits and studies submitted for the project, and/or a site inspection:

- a. Does the project site contain a blue-line stream, spring, seep, or wetland?

☐ ☐ ☒ ☐

- b. Will the project include changes in the course or volume of water in a local stream or wetland which require Department of Fish and Game or Army Corps of Engineers permits?

☐ ☐ ☒ ☐

- c. Will the project result in the loss of, or changes to, significant stands of riparian vegetation?

☐ ☐ ☒ ☐

Neither of the two Biological Resources Assessments prepared for the project site identified wetlands areas on the project site. Further, no riparian habitat or other sensitive natural communities have been identified as being present on the project site. A wetlands area was identified by California Department of Fish and Game personnel in conjunction with the easterly adjacent Amargosa Creek channel improvements project site, for which the City of Palmdale will be obtaining a Section 1603 permit. However, this identified wetlands area is contained entirely within the adjacent site. The potential for direct or indirect impacts on wetland resources to occur as a result of project implementation is considered less-than-significant.



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<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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2. Other Surface Waters

Based on a site inspection, and review of the Map of Aqueduct Facilities (Dept. of Water Resources, East Branch Hydrology Palmdale Area), and/or the General Plan:

If the project is adjacent to or near the California Aqueduct:

- a. Could the project result in a significant increase in runoff of storm or nuisance water toward the aqueduct?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b. Will the project be significantly affected by storm or nuisance water runoff flowing through aqueduct culverts or pools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is located approximately 3.5 miles east of the California Aqueduct. Due to this distance, the project is not expected to result in a significant amount of runoff toward to Aqueduct or be significantly affected by runoff flowing through Aqueduct culverts or pools.

Based on a review of the General Plan and/or a site inspection:

- c. Is the project located above Lake Palmdale where urban runoff could significantly impact the lake?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d. Is the project located in an inundation area below Lake Palmdale dams, or Littlerock Dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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The project site is not located within the Lake Palmdale drainage basin or the inundation area below Lake Palmdale or Littlerock Dam, therefore this project does not have the potential for significant impacts from inundation.

Based on review of the FIRM Map, the Master Plan of Drainage and/or review by the Department of Public Works/Engineering:

- e. Is the site in an area of flood hazard as shown on the FIRM Map, or as identified by the Engineering or Public Works Departments?

☐ ☐ ☐ ☒

- f. Will the project result in a significant increase in peak runoff that could increase flood hazard off-site?

☐ ☐ ☒ ☐

- g. Would development of the project impede the implementation of the City's Master Plan of Drainage or Drainage Management Plan?

☐ ☐ ☐ ☒

No flood-related impacts are anticipated to result from project implementation. The City's General Plan identifies the project site as adjacent to the 100-year flood plain surrounding Amargosa Creek. This historic natural drainage facility is currently planned, under the direction of the City, to be improved as a concrete-lined channel. Design of the improvement plan is expected to be completed in the Spring of 2002, with construction beginning shortly thereafter. Coordination with the City's Master Drainage Plan and specifically, coordination of project design with the plans for the Amargosa Creek improvements will serve to minimize the potential risk of on-site flood hazards. The project site is identified as being located well outside the potential inundation areas of both major water reservoirs in the project area, Lake Palmdale and the Little Rock Creek Dam.

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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In addition, the project site is outside the areas of flow anticipated to accompany a potential failure of the California Aqueduct.

Coordination with the City's Master Plan of Drainage and the expansion of the adjacent Amargosa Creek flood control facilities will serve to prevent impacts related to increased quantities of storm flows or surface water runoff.

The project proponent will prepare a Water Quality Management Plan (WQMP) consistent with applicable requirements of the Drainage Area Management Plan (DAMP). Adoption and implementation of a long-term WQMP reflects the project's consistency with the DAMP.

- h. Will any aspect of the project result in discharge of materials into surface waters, or in any alteration of surface water quality, including but not limited to, temperature, dissolved oxygen, or turbidity?

☐ ☐ ☒ ☐

- i. Will the project result in the significant alteration of the direction or rate of flow of groundwater?

☐ ☐ ☐ ☒

Based on the type of project, project submittals and exhibits, and/or a site inspection:

- j. Could the project result in a change in the quantity or quality of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

☐ ☐ ☐ ☒

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<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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- k. Could the project result in a substantial reduction in the amount of water otherwise available for public water supplies?

☐☐☒☐

Existing NPDES permit and Regional Water Quality Control Board (RWQCB) requirements supporting federal water quality standards and criteria established under the Clean Water Act (CWA) apply to the project site. In combination, requirements and procedures established under these regulations typically act to mitigate potential water quality impacts of new development, including facilities that may be implemented pursuant to the proposed project.

Through compliance with existing permits, requirements and regulations, the potential for the proposed project to allow for implementation of facilities or activities that would violate water quality standards, waste discharge requirements, or otherwise substantially degrade water quality is considered less-than-significant.

The project does not propose elements or aspects that will result in consumption of significant volumes of water. Direct additions or withdrawals of groundwater are not proposed by the project. Further, construction proposed by the project will not involve massive substructures at depths that would significantly impair or alter the direction or rate of flow of groundwater. While the proposal will result in substantial overcovering of the specific 38.31-acre project site, given the significant remaining permeable acreage in the project vicinity, the net effect on local or regional groundwater recharge capabilities is considered less-than-significant.

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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D. Plant Life:

Based on a site inspection, the biological report, and/or the Native Vegetation Preservation Plan submitted for the project:

1. Is there a significant stand of desert vegetation on the site which will be adversely impacted by the project?

☐ ☐ ☒ ☐

2. Will the project result in a reduction of the numbers of any unique, rare, or endangered species of plants?

☐ ☐ ☒ ☐

3. Will the project result in the introduction of invasive, non-native species of plants into an area; or will the project create a barrier to the normal replenishment of existing native plant species?

☐ ☐ ☒ ☐

4. Will the project result in a significant reduction in acreage of native vegetation?

☐ ☐ ☒ ☐

In order to assess the potential for project-related impacts to plant life, the following studies were reviewed: a comprehensive Biological Resources Assessment for a 240-acre area including the project site and surrounding areas to the south, north and northeast, prepared by BonTerra Consulting in October 1998, and a more recent, site-specific evaluation, performed by Scott White in January 2002. According to the 1998 BonTerra report, the site does contain Joshua trees and California junipers, identified by the City of Palmdale as sensitive resources and protected by City Ordinance 952. This was verified by a site reconnaissance prepared by White & Leatherman Bioservices on January

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10, 2002. This ordinance requires development of a Native Desert Vegetation Preservation Plan (preservation plan) and receipt of a permit prior to removal of these species. The preservation plan calls for a written report discussing the age and health of each Joshua tree and California juniper and identification of all trees and shrubs which can be saved in place or relocated. A site plan is required, depicting the location of each Joshua tree and California juniper. Other specifications include a site landscaping plan that shows the proposed location of Joshua trees and California junipers that will remain on-site and the development of a long-term maintenance program for any native vegetation preserved on-site.

Ordinance 952 regulates the disposition of Joshua trees and California junipers in the following order from most to least desirable:

- A. Preservation on-site without disturbance.
- B. Transplanting on-site after disturbance (i.e., grading). During the disturbance, trees are held on-site.
- C. Make trees available to the City of Palmdale, other commercial, industrial, or residential developments, or to the public for landscaping use.
- D. Transplant trees to an interim off-site area such as a City-administered tree bank.
- E. Pay in-lieu fees to the City that will be used to fund maintenance of Native Vegetation Banks and Preserves.

The minimum standard of preservation is two Joshua trees or California junipers per acre, or, if the density of these species is less than two per acre, a number determined by a desert plant specialist according to specified criteria. Compliance with this existing City Ordinance will reduce potential impacts to locally sensitive natural resources to a level that is considered less-than-significant.

The BonTerra report also identified the potential for five sensitive plant species to be found within the 240-acre area. Physical, walkover surveys of the entire 240-acre site were conducted in 1997 and 1998, including focused surveys for those species which, if found on-site, could result in potentially significant impacts. These species included one sensitive plant, the pygmy poppy (*Canbya candida*).

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The focused biological surveys did not identify the presence of or potential presence of this sensitive plant species.

To verify that the biological studies prepared by BonTerra Consulting are still currently valid, Scott White of White Leatherman Bioservices conducted a site visit on January 10, 2002. Additionally, Mr. White conducted an updated search of the California Native Diversity Database (CNDB). The following summarizes the conclusions of the updated research and field work.

- BonTerra consulting report's portrayal of on-site habitat and vegetation are accurate and the "Avenue O-8 Retail Site" appeared to be unchanged with two (2) exceptions: (1) there was a small area of Saltbush vegetation near the southern part of the project site near the Amargosa Creek Channel; and (2) Joshua Trees in this part of the site appear to be upright.
- During review of the CNDB, nine special species status plants and animals not addressed in the BonTerra report were identified. Mr. White speculated that the exclusion of the nine species was due to either: (1) data regarding these species was listed subsequent to the earlier report or (2) the recent CNDB review included a much larger geographic area.

None of the additional identified species is listed as threatened or endangered under the Federal Endangered Species Act and none is proposed for listing or a candidate for listing. Mr. White states that "There is at most a moderate probability that any of the nine could occur. Two of these species, the Lancaster Milk Vetch and Alkalii Mariposa Lily could occur with only a low probability in the small area of Saltbush mentioned above."

Subsequent discussions with LSA Associates, biologists for the City of Palmdale working on the Amargosa Creek Improvement project, indicate that the Saltbush area identified by Mr. Scott White is actually within the Amargosa Creek area and not on the project site. Furthermore, both Mr. Scott White and LSA biologists indicate that this area is only marginally suitable for these plants given the intermittent wetness of the Creek and the introduction of nuisance waters from the adjacent Antelope Valley Golf Course. Based on the fact that Saltbush does not occur on the project site, it can be concluded that the project would have no potential impacts to either of these plant species.

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Implementation of the following mitigation measure will ensure impacts to plant life remain at a less-than-significant level.

**Mitigation Measure PL-1**

*The project applicant shall develop a Native Desert Vegetation Preservation Plan and receive a permit prior to the removal of Joshua Trees and California Junipers for the proposed project.*

**E. Animal Life:**

Based on the biology report submitted for the project and/or a site inspection: Will the proposal result in:

1. Will the project result in a significant loss of biological diversity?

☐ ☒ ☐ ☐

2. Will the project result in the reduction of the numbers of any unique, rare, or endangered species of animals?

☐ ☒ ☐ ☐

3. Is the project located in a Significant Ecological Area where the introduction of animals associated with urbanization could adversely affect native species; or where the project will result in a barrier to the migration or movement of animals?

☐ ☐ ☐ ☒

4. Will the project cause significant deterioration of, or loss of existing fish or wildlife habitat?

☐ ☐ ☒ ☐



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The previously discussed 1998 BonTerra report identified the potential for 14 sensitive wildlife species to be found within the 240-acre area. As part of the BonTerra work, physical, walkover surveys of the site were conducted in 1997 and 1998, including focused surveys for those species which, if found on-site, could result in potentially significant impacts. These species included three wildlife species: the burrowing owl (*Speotyto cunicularia*), desert tortoise (*Gopherus agassizi*) and mohave ground squirrel (*Spermophilus mahavensis*). With the exception of the mohave ground squirrel, the focused biological surveys did not identify the presence of or potential presence of sensitive species. The BonTerra report presumes the absence of biological resources to result primarily from a high level of habitat disturbance in the surveyed area, and the proximity of the area to existing commercial, industrial and residential land uses.

The BonTerra report noted that although the Mohave Ground Squirrel was not observed during the time that the protocol surveys were being conducted, it was concluded that the Mohave Ground Squirrel is assumed to be present and would be impacted by project construction. This assumption was based on observed signs and existing populations of the Mohave Ground Squirrel nearby.

Consultation with CDFG resulted in the assignment of three (3) different habitat mitigation ratios based on the suitability of on-site habitats for the entire 240-acre project site that was studied in the BonTerra report. The three categories include a replacement ratio of 1:1 (1 acre of replacement habitat for each acre disturbed), .5:1 (.5 acre of replacement habitat for each acre disturbed), and no replacement for areas that were not deemed suitable as habitat for the Mohave Ground Squirrel.

The proposed project site accounts for 38.31 acres of the 240 acres of habitat studied within the BonTerra report. The project site falls within 2 of the 3 categories, no replacement and replacement of habitat at a ratio of .5:1.

As previously mentioned, the site visit conducted by Scott White of White Leatherman Bioservices indicated that discussions within the BonTerra report were still accurate (with the previously noted and discussed exceptions relating only to plant species.)

With the application of the following mitigation measures, the impacts to animal life are considered less-than-significant.

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**Mitigation Measure AL-1**

*Prior to project development, the project applicant must obtain a 2081 permit from CDFG for impacts on the Mohave Ground Squirrel. The permit application must outline compensation for expected impacts on the habitat for this species. Compensation can include, but is not limited to, purchase of off-site property to be included within permanent open space areas. The compensation will be discussed in consultation with CDFG and the City of Palmdale.*

With the application of the above mitigation measure, impacts to animal life are considered to be less-than-significant.

**F. Noise:**

1. If the project is residential or noise sensitive, will it expose people to severe noise levels because it is located:

- a. adjacent to the Freeway?

☐ ☐ ☒ ☐

- b. within 200 feet of the railroad?

☐ ☐ ☒ ☐

- c. adjacent to an existing or future arterial street?

☐ ☐ ☒ ☐

Construction and operation of the proposed commercial facilities will increase noise levels in the vicinity of the project site. To assess the potential for noise generation, a Noise Impact Study was prepared by LSA Associates, Inc., which assessed the potential short-term, construction-related noise impacts, as well as the potential long-term operational and traffic noise impacts of the proposed project.

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As documented in the project Noise Impact Study, sensitive noise receptors near the project site include residences located to the southeast of the project site and south of the Antelope Valley Country Club. Because these existing homes are more than 1,000 feet from the project boundary, noise levels from the project site will not exceed the standards of the City's Noise Ordinance at these receptors. The project's potential to generate noise in excess of adopted standards is considered less-than-significant.

The project area is generally characterized as an urban noise environment, subject to typical noise generators including traffic, heavy equipment and machinery, building heating and cooling systems, and aircraft noise. The primary existing noise sources in the project area are transportation facilities. Traffic on the Antelope Valley Freeway (SR-14), Avenue O-8, and 10<sup>th</sup> Street West is the dominant source of ambient noise. The proposed project does not include elements that would generate excessive groundborne vibration or groundborne noise; and potential impacts in this regard are considered less-than-significant.

The Noise Impact Study for the project indicates that proposed on-site commercial uses along 10th Street West and SR-14 would be potentially exposed to traffic noise reaching 70 dBA Leq(h). While no significant traffic noise impacts on off-site sensitive uses are anticipated, on-site uses may be affected.

Construction of the proposed project will result in a temporary increase in ambient noise levels in the project vicinity. However, because of the distance of sensitive receptors from the project site, approximately 1,000 feet to the closest residences, no substantial effect is anticipated. Compliance with the City's noise ordinance will serve to prevent construction-related noise from becoming an annoyance to residences in the project area. Impacts related to temporary or intermittent noise generation are considered less-than-significant.

The following measures will serve to mitigate noise impacts below the level of significance:

**Mitigation Measure N-1**

*Construction activities shall comply with City of Palmdale Municipal Code Section 8.28.030, which permits construction noise between the hours of 6:30 a.m. and 8:00 p.m., Monday through Saturday. No construction shall be allowed on Sundays and public holidays.*

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Mitigation Measure N-2**

*Stationary on-site construction equipment and construction vehicle staging areas shall be placed such that emitted noise is directed away from sensitive noise receivers, to the satisfaction of the Planning Director. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, to the satisfaction of the Building and Safety Department.*

**Mitigation Measure N-3**

*The mechanical equipment shall be located and designed so that it will not exceed City noise standards at the adjacent residential land uses. Mitigation to ensure this includes requirements for specifications for quiet equipment, and orienting equipment away from the homes so that it is shielded by the building from the homes. All mechanical equipment shall be located on the side of the building furthest from the residential areas or shall be constructed with a parapet around the equipment so that it is shielded, to the satisfaction of the Director of Building and Safety.*

**Mitigation Measure N-4**

*Prior to issuance of building permits, the applicant shall demonstrate that all project structures will meet applicable City interior noise levels, in accordance with applicable noise standards and zoning regulations.*

2. Is the proposed project within the Plant 42 over-flight area, or the 65 CNEL boundary?

☐☐☒☐

The Palmdale Regional Airport/ U.S. Air Force Plant 42 is located approximately four miles to the northeast. The Noise Impact Study prepared for the project noted occasional aircraft overflight as part of the existing ambient noise in the project vicinity, but recorded no excessive aircraft related noise. The proposed project is not anticipated to expose people in the project area to excessive aircraft-related noise levels, and potential impacts in this regard are considered less-than-significant.

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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3. Will the project generate a noise level exceeding 65 CNEL at the project boundary after construction that could significantly impact an adjoining land use?

☐ ☐ ☒ ☐

The proposed retail shopping center would result in operational noise from loading and unloading of goods, mechanical equipment such as air conditioning systems, vehicle movement in the parking areas, and other on-site activities generating noise. These activities are not anticipated to generate noise levels higher than 91 dBA Lmax at 50 feet. The noises will not impact the nearest residential units, as the 1,000 foot distance to these receptors produces a minimum of 26 dBA noise reduction, resulting in a maximum noise level of 65 dBA Lmax. The positioning of buildings and loading wing walls are anticipated to further reduce the noise levels at the residential units.

However, uses on the project site could be exposed to noise generated from the freeway and along 10<sup>th</sup> Street West at levels reaching 70 dBA (h). Due to the commercial uses proposed by the project, this impact is considered less-than-significant.

G. Light or Glare:

Based on the type of project, and/or project submittals and exhibits:

1. Will the project produce significant new sources of light or glare that would disturb neighboring uses or significantly change the light environment visible from other areas of the City?

☐ ☐ ☒ ☐

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Lighting for the project area will generally be provided consistent with the requirements of the City of Palmdale's Zoning Ordinance (Section 86.03), with the exception of free-standing light standards in the parking area adjacent to the major warehouse-style discount retailer, which are proposed to be 42 feet in height. The project proponent is seeking a Conditional Use Permit to allow these fixtures, which exceed the City's 35-foot height restriction for commercial zones.

For all proposed lighting, the City will assure compliance with applicable lighting ordinance performance criteria and design standards that require shielding to eliminate or reduce potential light/glare impacts below thresholds of significance. Specifically, appropriate shielding of lighting will be provided to prevent light and glare impacts on neighboring roadways, including the Antelope Valley Freeway (SR-14).

As supported by the preceding discussion, the potential for the project to create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area is considered less-than-significant.

H. Land Use:

1. Will the project result in a substantial alteration of the present or planned land use of an area?

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2. Are adjoining or planned land uses greatly different from that of the proposed project so that a potentially substantial interface problem would be created?

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3. If the project is located within the Plant 42 AICUZ zone, does it conflict with the joint land use policies established for those zones?

☐ ☐ ☐ ☒

The proposed project involves the construction of commercial/retail facilities on undeveloped and vacant properties. Uses proposed by the project are consistent with local planning efforts to provide community retail facilities in support of ongoing development within the region.

The project does not propose elements or activities that would disrupt or divide an established community. In this regard, the retail/commercial uses proposed by the project are considered compatible with commercial land uses to the west and north. Additionally, to the north, the project site will be physically defined by and separated from adjacent land uses by a new commercial roadway along the Avenue O-8 alignment; to the west, 10<sup>th</sup> Street West physically separates the project site from adjacent land uses; similarly, to the southwest, the project area is defined and separated from adjacent land uses by the Antelope Valley Freeway (State Route 14). To the east, the project site is separated from the Antelope Valley Country Club by the existing Amargosa Creek and the proposed Amargosa Creek channel improvements project site, which includes an approximately 85-foot wide easement. This same drainage structure and easement separates the project site from residential uses located to the southeast.

Definition of the project area and separation/screening of the project from vicinity land uses is further enhanced by perimeter landscape and hardscape elements proposed by the project.

The Palmdale General Plan land use designation for the project site is Regional Commercial. The commercial/retail uses proposed by the project are consistent with the provisions of this General Plan land use designation. Zoning for the project site is C-4, or Commercial Center. The retail/commercial uses are permitted or conditionally permitted by this zoning designation. As such, the project is consistent with the existing General Plan and zoning designations of the project site.

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Based on the preceding discussion, the potential for the proposed project to conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project is considered less-than-significant.

Additionally, the project site is located outside of the Plant 42 AICUZ zone and therefore will no impact is expected on these operations.

I. Natural Resources:

1. Will the project result in a significant increase in the rate of use of any natural resources?

☐ ☐ ☒ ☐

2. Will the project result in the substantial depletion of any non-renewable natural resources?

☐ ☐ ☒ ☐

The proposed project is not expected to increase the use of any natural resources resulting in the substantial depletion of any non-renewable natural resource. The project does not involve the use of natural resources, therefore any potential impacts are considered less-than-significant.

J. Risk of Upset:

1. Will the project result in a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset condition?

☐ ☐ ☒ ☐



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The majority of the retail/commercial uses proposed by the project have a negligible potential to create a significant hazard to the public or the environment due to the use of hazardous materials. The operation of a self-serve gas station on-site will result in the transportation and distribution of potentially hazardous petroleum fuel and related products. However, in association with this use, the transport, storage, use, and handling of all hazardous or potentially hazardous materials are extensively regulated at the federal, State and local levels. Consistency with these regulations is realized through mandated compliance with applicable laws and regulations. Potential impacts associated with hazardous or potentially hazardous materials are considered less-than-significant.

2. Will the project result in possible interference with any emergency response plan or emergency evacuation plan?

☐ ☐ ☒ ☐

The proposed project does not include elements or aspects that would obstruct or restrict emergency access to or through the area. In conjunction with the review and approval of building permits, the City will review all plans to assure compliance with all applicable emergency access and life safety requirements. Prior to construction of the proposed roadway improvements on 10<sup>th</sup> Street West, which has been identified an evacuation route within the Palmdale General Plan Safety Element, the contractor will be required to coordinate lane closures with the City's emergency management designee to ensure that adequate access is available for emergency evacuation requirements. Based on the preceding discussion, the project's potential to interfere with an emergency response plan or emergency evacuation plan is considered less-than-significant.

3. Is the site included on any known State Hazardous Waste Site list?

☐ ☐ ☐ ☒

The project site is not included on any known State Hazardous Waste Site list.

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4. Is the project within or adjacent to a high fire hazard area as shown in the General Plan, identified by the Los Angeles County Fire Department or based on a site inspection?

☐ ☐ ☒ ☐

According to the Palmdale General Plan, the project site is not located within or adjacent to a high fire hazard area.

K. Population:

Based on the type of project:

1. Will the project significantly alter the location, distribution, density, or growth rate of the human population of an area?

☐ ☐ ☒ ☐

The proposed project is consistent with development of the project site as allowed and anticipated by the Palmdale General Plan and the Palmdale Zoning Ordinance. Construction of new housing is not a component of the improvements proposed by the project. As such, the project will not contribute directly to population growth through the creation of new residences.

Temporary construction jobs which may be created during project implementation, and long-term employment opportunities created by retail operations will result in a small net increase in employment. The job opportunities likely arising from the project include positions in retail sales, restaurant service personnel, office clerks, and cashiers. These types of employment opportunities are relatively common throughout southern California and are unlikely to generate significant population migration (if any).

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The increased employment demands generated by the project would likely be filled by the existing employment pool within the cities of Palmdale and Lancaster and/ or neighboring Antelope Valley communities. As such, any increase in employment opportunities that may result from the project would tend to improve the existing employment/housing imbalance within the City.

As supported by the preceding discussions, the project's potential to cumulatively exceed official regional or local population projections and/or induce substantial growth directly or indirectly is considered less-than-significant.

L. Housing:

Based on the type of project?

1. Will the project create a significant demand for additional housing?

☐ ☐ ☒ ☐

2. Will the project result in displacement of people from existing housing on the site?

☐ ☐ ☐ ☒

As a retail development, construction of the proposed project will not create a significant demand for additional housing or involve the displacement of any on-site or off-site housing stocks. Employees of the subsequent businesses are anticipated to be drawn from the existing labor pool within the Antelope Valley, and therefore will not cause an increase in housing demand. Impacts related to the displacement of housing stock or residents as a result of project implementation are considered less-than-significant.

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M. Transportation/Circulation:

Based on review of the type of project, project exhibits, a site inspection, and/or review of the Institute of Transportation Engineers, Trip Generation or the applicant's traffic study:

1. What is the estimated number of average daily vehicle trips, and a.m. and p.m. peak hour trips, generated by the proposed project?

14,006 ADT: 409 a.m. peak, 1,123 p.m. peak

2. Will the traffic generated by this project cause a reduction of Level of Service at an intersection or on a street segment?

☐☒☐☐

The Traffic Impact Analysis (TIA) prepared for the project by LSA Associates, Inc., analyzes traffic at fourteen existing intersections in the project vicinity, and at the proposed project's entrance. Traffic counts were made at the existing intersections for the a.m. peak hour, the noon peak hour, and the p.m. peak hour. Computer modeling was used to project the year 2003 (opening day condition) and cumulative year 2020 scenarios, both with and without the project. All analyses were performed in compliance with the City's TIA requirements and the County of Los Angeles' Congestion Management Program (CMP).

Based on the City's adopted Level of Service (LOS) threshold guidelines, twelve of the fourteen existing vicinity intersections analyzed were found to operate within the City's LOS D threshold in their existing condition. The intersection of 10<sup>th</sup> Street West at Avenue O was analyzed at LOS F during the p.m. peak hour for both the existing condition and year 2003 projection. The SR-14 southbound on-ramp at Avenue P was found to operate at LOS E during the p.m. peak hour in the existing condition, and projected to decline to LOS F in the year 2003 projection.

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The project is estimated to generate 14,006 new daily trips, of which 409 are estimated to occur during the a.m. peak hour; 1,097 during the noon peak hour; and 1,123 during the p.m. peak hour.

With the addition of traffic generated by the project to the year 2003 condition, the same two intersections forecast in the existing analysis are forecast to operate at less than the City's threshold. These locations are as follows:

- 10<sup>th</sup> Street West/Avenue O (LOS F at p.m. peak hour);
- SR-14 SB On-ramp/Avenue P (LOS F at noon and p.m. peak hours).

Under the projected cumulative year 2020 plus project traffic volumes (including buildout of projected roadway improvements), all study intersections are forecast to operate at satisfactory levels of service, either within the City's LOS C threshold, or at LOS D for short durations during peak hours.

Roadway improvements are recommended for significantly impacted intersections in the near-term year 2003 plus project scenario. Implementation of the following mitigation measures will reduce project impacts to less-than-significant.

**Mitigation Measure TC-1**

**10<sup>th</sup> Street West/Avenue O** - *The project proponent shall make a fair share contribution to the cost of installing a traffic signal at this intersection. The project's fair share responsibility towards this improvement is 18.0 percent of the total improvement cost.*

**Mitigation Measure TC-2**

**SR-14 Southbound On-ramp/Avenue P** - *The project applicant shall make a fair share contribution to the cost of installing of a traffic signal at this intersection. The project's fair share responsibility towards this improvement is 4.0 percent of the total improvement cost.*

**Mitigation Measure TC-3**

*Mitigation of the project's cumulative impacts can be accomplished through implementation of the City's traffic impact fee program, reducing such impacts to less-than-significant.*

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3. Does circulation within the project prevent the safe and orderly flow of people and vehicles, including emergency vehicles?

☐ ☐ ☒ ☐

The project does not propose elements or aspects that would result in safety hazards or obstruct or restrict emergency access to or through the area. In conjunction with the review and approval of building permits, City staff will review all plans to assure compliance with all applicable safety and emergency access requirements.

4. Will the project create or experience access problems as designed, or create any obstruction to the safe flow of traffic?

☐ ☐ ☒ ☐

The project does not propose elements or aspects that would create problems as designed or obstruct the safe flow of traffic. In conjunction with the review and approval of building permits, City staff will review all plans to assure compliance with all applicable safety requirements.

5. Could the project result in a significant alteration to rail or air traffic?

☐ ☐ ☐ ☒

The nearest railroad is approximately 1.5 miles east of the project site, therefore the project will have no impacts to rail traffic. The project does not propose elements that would affect air traffic patterns. The nearest public or private airstrip in relation to the project site is the Palmdale Regional Airport/U.S. Air Force Plant 42, located approximately four miles to the northeast. The proposed project is located outside the identified U.S. Air Force "Air Installation Compatible Use Zone," or AICUZ, and as such, would not result in a significant safety hazard for people working or shopping in the project area. Potential impacts associated with air traffic in the vicinity are considered less-than-significant.

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6. Will the project create a significant shortage of parking?

☐ ☐ ☒ ☐

Adequate parking will be provided on-site for the proposed uses. The project site plan indicates that 1,278 parking spaces would be required to serve the project based on the City's minimum requirements. The site plan shows 1,718 standard parking spaces and 38 oversized spaces for the disabled, with a resulting ratio of 5.57 parking spaces per 1,000 square feet of building area. This exceeds the City's minimum requirement, which is based on one parking space for every 250 square feet of gross floor area for commercial and retail uses, and one parking space for every 100 square feet of gross floor area for restaurant uses. Potential impacts due to inadequate parking are considered less-than-significant.

N. Public Services:

1. Fire Protection

What is the roadway distance and location of the nearest fire station: Approximately .5 miles south of the project site, on the southwest corner of Avenue P and 10<sup>th</sup> Street West.

- a. Will the project result in a need for significant additional fire protection services?

☐ ☐ ☒ ☐

The Los Angeles County Fire Department currently provides a full range of fire protection services to the project site. These services include fire prevention and suppression, emergency medical response and related public services. The Fire Department indicates that they have adequate resources to service the City of Palmdale and that services will be expanded to meet new demands.

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The City of Palmdale has worked with the Los Angeles County Fire Department in identifying and securing sites for new fire facilities and has adopted a Fire Facilities Impact Fee Ordinance. Compliance with the ordinance assists in mitigating impacts to fire protection services resulting from incremental growth in the City.

Further, fire suppression systems in the larger retail buildings, on-site fire protection systems, building construction methods and safety equipment required by the Los Angeles County Fire Department for fuel dispensing and fuel storage facilities, and restaurant exhaust hoods will reduce the potential impacts on fire protection services. Based on the preceding discussion, potential impacts to fire protection services are considered less-than-significant.

2. Police Protection

Are there any aspects of the project that would create a significant impact to police protection?

☐ ☐ ☒ ☐

Similar to potential impacts to fire protection services, police services are also provided by the Los Angeles County Sheriff's Department. Based on the scope of the project, the availability of existing police protection services, and the offsetting revenues that will be generated by the development of the site, the project's probable impacts on police protection services are considered less-than-significant.

3. Schools

- a. In what elementary and high school attendance area is the project? Palmdale School District; Antelope Valley Union High School District
- b. Approximately how many students will the project generate? Not Applicable



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- c. Would the students generated by the project significantly contribute to the affected schools exceeding their designed capacity?

☐ ☐ ☐ ☒

The project site is located within the Palmdale School District (elementary educational facilities and services); and the Antelope Valley Union High School District (secondary educational facilities and services). The commercial/retail development proposed by the project is not anticipated to result in identifiable new numbers of project-related employees or residents within the affected school districts. As such, the project will not noticeably affect school district student populations. Further, potential impacts to school districts are offset through payment of school impact fees. School impact fees will be assessed at the rate of \$0.33 per square foot of commercial construction, to be allocated between the appropriate school districts. As supported by the preceding discussion, no impacts on school services are anticipated.

4. Parks and Recreation

Will the proposed project result in an impact on the quality or quantity of existing parks or recreational facilities, including trails or bicycle paths?

☐ ☐ ☒ ☐

As discussed in the preceding paragraph, the project is not expected to result in identifiable new numbers of project-related employees or residents within the City, and the potential for the project to result in increased demands on parks or recreational facilities is considered less-than-significant.

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5. Public Facilities

Will the proposed project have a significant impact on maintenance of public facilities, including roads, drainage facilities, slopes, open space and trails?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No other public facilities have been identified that would be affected by project implementation. Potential impacts resulting from the project that may affect other public facilities are considered less-than-significant.

6. Library Services

Will the project result in a significant impact to library services due to increased population?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

The project is not expected to result in identifiable numbers of project-related employees or residents within the City, and the potential for the project to result in increased demands on libraries is considered less-than-significant.

7. Other Governmental Services

Will the project have a significant impact on a government service or agency not listed above?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

No other governmental services have been identified that would be affected by project implementation. No potential impacts resulting from the project are anticipated to affect other governmental services.

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 52

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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O. Energy:

1. Will the project result in the use of substantial amounts of fuel or energy?

☐ ☐ ☒ ☐

2. Will the project result in a substantial increase in demands upon existing sources of energy, or require the development of new sources of energy?

☐ ☐ ☒ ☐

Implementation of the proposed project will result in increased fuel and/or energy consumption. This increase could be considered substantial due to the large commercial nature of the project. However, energy requirements have been evaluated by the City's General Plan EIR and potential impacts were found to be less-than-significant due to the availability of such resources. The project shall comply with Uniform Building code Title 24 energy conservation requirements. Standard construction practices and economic incentives discourage use of energy and non-renewable resources in a wasteful and inefficient manner. As such, the project's potential to use substantial amounts of fuel or energy or substantially increase demands upon existing sources of energy is considered less-than-significant.

P. Utilities:

Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

1. Power or natural gas?

☐ ☐ ☒ ☐

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 53

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2. Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Sanitary sewer?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Located within an urbanized area of the City of Palmdale, the project site is generally served by all necessary utilities and service systems. As described in the Project Description, the following utility connections are planned to be implemented as part of project development.

- Electricity, natural gas and telecommunications services will be extended to the project site from existing easement corridors in Avenue O-8 and 10<sup>th</sup> Street West. Utility providers in the project area anticipate adequate capacity to meet project demands. Connections to the project site from existing distribution lines will be coordinated with utility providers, to the satisfaction of the City's Building Department.
- Water will be purveyed to the project by the Los Angeles County Division of Waterworks, which provides water service to the western Palmdale area. Division representative George Papik has indicated that adequate water supply is available to meet project demands. Fire flow rates of 3,500 gallons per minute (gpm) for three hours or 3,750 gpm for 2.8 hours have been assured. The proposed major retailers on-site will be served by a ring distribution system, with two connections to existing 12-inch water line in Avenue O-8. The remaining retailers and restaurants along 10<sup>th</sup> Street West will be individually connected to an existing 12-inch water line in the 10<sup>th</sup> Street West right-of-way.

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 54

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Sewer services will be provided by the Los Angeles County Department of Sanitation, District 14, upon annexation. Adequate capacity in the existing sewer main located in Avenue O-8 has been documented in a Sewer Area Study completed by the City of Palmdale's Engineering Division. A series of 8-inch sewer lines will be extended on-site from the existing main to serve the proposed facilities.
- Solid waste generated by the project will be delivered to the Antelope Valley Landfill by the City's contracted waste hauler. The Palmdale General Plan (page L-72) indicates that this landfill can accommodate the solid waste disposal demands of the City for the foreseeable future.

The potential for the proposed project to result in a need for new systems, or substantial alterations in regard to power, communications systems, water, sanitary sewer or solid waste disposal is considered less-than-significant.

**Q.    Human Health:**

Based on the type of project:

1.     Will the project create any health hazard or potential health hazard (excluding mental health)?

☐                      ☐                      ☒                      ☐

2.     Will the project result in the exposure of people to potential health hazards?

☐                      ☐                      ☒                      ☐

The majority of the retail/commercial uses proposed by the project have a negligible potential to create a significant hazard to the public or the environment. The operation of a self-serve gas station on-site will result in the transportation and distribution of potentially hazardous petroleum fuel and related products.

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 55

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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However, in association with this use, the transport, storage, use, and handling of all hazardous or potentially hazardous materials are extensively regulated at the federal, State and local levels. Consistency with these regulations is realized through mandated compliance with applicable laws and regulations. Potential impacts associated with health hazards are considered less-than-significant.

R. Aesthetics:

1. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

☐ ☐ ☒ ☐

No potentially affected designated scenic vistas, State scenic highways, or other scenic resources have been identified within the project area. The project will not result in adverse effects or damage to scenic vistas or scenic highways. The project would result in the construction of commercial facilities on currently undeveloped property. Based on compliance with City design guidelines, the proposed project is considered visually and aesthetically appropriate for its context. Aesthetic impacts will be avoided or reduced below significance thresholds through observance of adopted development standards, as verified by the City through design review and approval processes. It is also acknowledged that in large part, facilities implemented pursuant to the City's guidelines may serve to enhance visual perception of the City through the provision of new facilities and landscaped areas. Based on the preceding discussion, the potential for the project to substantially degrade the existing visual character or quality of the site and its surroundings is considered less-than-significant.

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 56

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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S. Cultural Resources:

1. Will the proposal result in the alteration or destruction of a prehistoric or historic archaeological site, or historic structure(s)?

☐ ☐ ☒ ☐

Site inspection performed by: LSA Associates, Inc.

2. Will the proposal result in potential adverse impacts on paleontological resources?

☐ ☐ ☒ ☐

Based on a walkover survey performed on May 21, 2001 and the Cultural Resources Assessment prepared for the project site by LSA Associates, Inc., no unique or historical resources or structures were identified on the project site or are known to exist on or in the vicinity of the project site.

Based on existing City policies, should any unanticipated, potentially significant cultural resources be encountered during construction, all earthmoving activities which would adversely impact such resources shall be halted or altered until a qualified archaeologist properly examines and identifies such resources; and if necessary, develops mitigation measures to reduce or eliminate any potentially significant resource impacts.

Due to the lack of any significant prehistoric, historic, or paleontological resources within the vicinity of the project site, it is unlikely that the proposed project will have any impact on cultural resources, and the potential impact is considered less-than-significant.

INITIAL STUDY  
Avenue O-8 Retail Center  
Page 57

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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T. Public Controversy:

1. Is the project or action environmentally controversial in nature or can it reasonably be expected to become controversial upon disclosure to the public?

☐ ☐ ☒ ☐

The development of retail uses on commercially designated land is not anticipated to be controversial. With the inclusion of mitigation measures suggested within this Initial Study, and the conditions of approval for the project, the potential for public controversy is considered less-than-significant.

VII. **MANDATORY FINDINGS OF SIGNIFICANCE**

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐ ☒ ☐ ☐

- B. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

☐ ☐ ☒ ☐



INITIAL STUDY  
Avenue O-8 Retail Center  
Page 58

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
---	---	---	---------------------

- C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ ☐ ☒ ☐

The Mohave Ground Squirrel, listed by the State of California as a threatened species, has been identified as potentially present on the project site. Development of the project may result in impacts to habitat which, though disturbed, may still be suitable for the Mohave Ground Squirrel. Compliance with identified mitigation measures, which require the project applicant to obtain a 2081 permit in consultation with the California Department of Fish and Game (CDFG) and to pay required fees prior to project development, will serve to reduce potential biological resource impacts to a level that is less-than-significant.

As such, the project will not result in a substantial reduction of the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. No cultural resources have been identified on the project site; therefore, the project does not have the potential to eliminate important examples of the major periods of California history or prehistory.

No significant or potentially significant unmitigable long-term environmental effects of the proposed project have been identified. Potential significant impacts related to air quality, plant and animal life, noise, and traffic generation were identified in this Initial Study; however, compliance with identified mitigation measures will serve to mitigate the potentially significant impacts to a point where no significant impacts would occur. As such, the project is not considered to have impacts that are individually limited, but cumulatively considerable; nor are impacts of the project considered to be significant.

As supported by the preceding environmental evaluation, the project will not cause substantial adverse effects on human beings. Under each environmental consideration addressed in this Initial Study checklist, the proposed project is considered to have either no impact, or potential effects of the proposal are substantiated at or mitigated to levels below thresholds of significance.

# MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: CUP 02-02 and Tentative Parcel Map 26593 INITIAL STUDY PREPARED BY: Applied Planning, Inc.

DATE: May 24, 2002

APPLICANT: Rothbart Development Corporation

Mitigation Measure	Department	Action(s) Required	Required Time of Compliance	Action Taken	Verified By/Dept.	Date	Further Action Needed
<p><b>AQ-1</b>  <i>Antelope Valley Air Quality Management District (AVAQMD) Rule 403, as amended, shall be adhered to, ensuring the clean up of the construction-related dirt on approach routes to the site, and the application of water and/or chemical dust retardants that solidify loose soils shall be implemented for construction vehicle access, as directed by the City Engineer. This shall include covering, water, or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days). The following measures shall also be implemented:</i></p> <ul style="list-style-type: none"> <li><i>Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. The applicant shall maintain sufficient vehicles and equipment for watering purposes. Active sites shall be watered as necessary. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground</i></li> </ul>	Public Works, Building and Safety	Monitoring and reporting	Ongoing through project construction				

# MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: CUP 02-02 and Tentative Parcel Map 26593 INITIAL STUDY PREPARED BY: Applied Planning, Inc.

DATE: May 24, 2002

APPLICANT: Rothbart Development Corporation

Mitigation Measure	Department	Action(s) Required	Required Time of Compliance	Action Taken	Verified By/Dept.	Date	Further Action Needed
<b>AQ-1, continued</b>  <i>surface and then watered again at the end of the day. All unpaved construction roads shall be watered as necessary.</i> <ul style="list-style-type: none"> <li>• All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.</li> <li>• Stockpiles of soil, sand, and other similar materials shall be stabilized by being enclosed, covered, watered, or with application of non-toxic soil binders. All truck loads of export debris shall be covered and shall maintain a minimum of two feet freeboard.</li> <li>• Active grading areas of the project site shall not exceed 40 percent of the total project site area on any given day (15 acres or less).</li> </ul>							
<b>AQ-2</b> <i>Heavy Construction equipment shall be properly tuned and maintained to reduce emissions. Construction equipment shall be fitted with the most modern emission control devices. The construction manager shall monitor compliance with this</i>	Public Works, Building and Safety	Monitoring and reporting	Ongoing through project construction				

# MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: CUP 02-02 and Tentative Parcel Map 26593 INITIAL STUDY PREPARED BY: Applied Planning, Inc.

DATE: May 24, 2002

APPLICANT: Rothbart Development Corporation

Mitigation Measure	Department	Action(s) Required	Required Time of Compliance	Action Taken	Verified By/Dept.	Date	Further Action Needed
<b>AQ-2, continued</b> <i>measure and is subject to periodic inspections by City Building Inspectors.</i>							
<b>AQ-3</b> <i>The project shall comply with Rule 461, which establishes requirements for vapor control from the transfer of fuel from the fuel truck to vehicles both during construction and subsequent operations.</i>	Public Works, Building and Safety	Monitoring and reporting	Ongoing through project construction				
<b>AQ-4</b> <i>Diesel powered equipment shall be located as far away as possible from sensitive land uses and areas. Specifically, diesel compressors, pumps, and other stationary machinery shall be located to the extent feasible away from sensitive receptors.</i>	Public Works, Building and Safety	Monitoring and reporting	Ongoing through project construction				
<b>AQ-5</b> <i>Construction equipment shall be shut off to reduce idling when not in direct use for extended periods of time.</i>	Public Works, Building and Safety	Monitoring and reporting	Ongoing through project construction				
<b>AQ-6</b> <i>Construction activities shall be discontinued during second stage smog alerts.</i>	Public Works, Building and Safety	Monitoring and reporting	Ongoing through project construction				

# MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: CUP 02-02 and Tentative Parcel Map 26593 INITIAL STUDY PREPARED BY: Applied Planning, Inc.

DATE: May 24, 2002

APPLICANT: Rothbart Development Corporation

Mitigation Measure	Department	Action(s) Required	Required Time of Compliance	Action Taken	Verified By/Dept	Date	Further Action Needed
<b>AQ-7</b> <i>Prior to building permit or occupancy permit issuance, if required, the project applicant shall provide written verification that any required permits have been secured from the Antelope Valley APCD to construct and/or operate the facility.</i>	Planning, Building and Safety	Verification	Prior to issuance of building permit or occupancy permit				
<b>PL-1</b> <i>The project applicant shall develop a Native Desert Vegetation Preservation Plan and receive a permit prior to the removal of Joshua Trees and California Junipers for the proposed project.</i>	Public Works, Planning	Verification	Prior to issuance of grading permits				
<b>AL-1</b> <i>Prior to project development, the project applicant must obtain a 2081 permit from CDFG for impacts on the Mohave Ground Squirrel. The permit application must outline compensation for expected impacts on the habitat for this species. Compensation can include, but is not limited to, purchase of off-site property to be included within permanent open space areas. The compensation will be discussed in consultation with CDFG and the City of Palmdale.</i>	Planning	Verification	Prior to issuance of grading permits				

# MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: CUP 02-02 and Tentative Parcel Map 26593 INITIAL STUDY PREPARED BY: Applied Planning, Inc.

DATE: May 24, 2002

APPLICANT: Rothbart Development Corporation

Mitigation Measure	Department	Action(s) Required	Required Time of Compliance	Action Taken	Verified By/Dapt.	Date	Further Action Needed
<b>N-1</b> <i>Construction activities shall comply with City of Palmdale Municipal Code Section 8.28.030, which permits construction noise between the hours of 6:30 a.m. and 8:00 p.m., Monday through Saturday.</i>	Building and Safety	Monitoring	Ongoing through project construction				
<b>N-2</b> <i>Stationary on-site construction equipment and construction vehicle staging areas shall be placed such that emitted noise is directed away from sensitive noise receivers, to the satisfaction of the Planning Director. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, to the satisfaction of the Building and Safety Department.</i>	Building and Safety	Monitoring	Ongoing through project construction				
<b>N-3</b> <i>The mechanical equipment shall be located and designed so that it will not exceed City noise standards at the adjacent residential land uses. Mitigation to ensure this includes requirements for specifications for quiet equipment, and orienting equipment away from the homes so that it is shielded by the building from the homes. All mechanical equipment shall be located on the side of the building</i>	Planning, Building and Safety	Verification	Prior to issuance of building permits				

# MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: CUP 02-02 and Tentative Parcel Map 26593 INITIAL STUDY PREPARED BY: Applied Planning, Inc.

DATE: May 24, 2002

APPLICANT: Rothbart Development Corporation

Mitigation Measure	Department	Action(s) Required	Required Time of Compliance	Action Taken	Verified By/Dept.	Date	Further Action Needed
<b>N-3, continued</b> <i>furthest from the residential areas or shall be constructed with a parapet around the equipment so that it is shielded, to the satisfaction of the Director of Planning and the Building and Safety Department.</i>							
<b>N-4</b> <i>Prior to issuance of building permits, the applicant shall demonstrate that all project structures will meet applicable City interior noise levels, in accordance with applicable noise standards and zoning regulations.</i>	Planning, Building and Safety	Verification	Prior to issuance of building permits				

# MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: CUP 02-02 and Tentative Parcel Map 26593 INITIAL STUDY PREPARED BY: Applied Planning, Inc.

DATE: May 24, 2002

APPLICANT: Rothbart Development Corporation

Mitigation Measure	Department	Action(s) Required	Required Time of Compliance	Action Taken	Verified By/Dept.	Date	Further Action Needed
<b>TC-1</b> <b>10<sup>th</sup> Street West/Avenue O-8</b> <i>The project proponent shall make a fair share contribution to the cost of installing of a traffic signal at this intersection. The project's fair share responsibility towards this improvement is 18.0 percent of the total improvement cost.</i>	Public Works, Planning	Verification	Prior to issuance of first certificate of occupancy				
<b>TC-2</b> <b>Southbound Off-ramp/Avenue P</b> - The project applicant shall make a fair share contribution to the cost of installing of a traffic signal at this intersection. The project's fair share responsibility towards this improvement is 4.0 percent of the total improvement cost.	Public Works, Planning	Verification	Prior to issuance of first certificate of occupancy				
<b>TC-3</b> <b>10<sup>th</sup> Street West/Avenue P</b> - The project proponent shall pay 100 percent of the cost for modification of the existing traffic signal to provide a westbound right turn overlap during the southbound/ northbound left turn phase.	Public Works, Planning	Verification	Prior to issuance of first certificate of occupancy				
<b>TC-4</b> <i>Mitigation of the project's cumulative impacts can be accomplished through implementation of the City's traffic impact fee program, reducing such impacts to less-than-significant.</i>	Public Works, Planning	Verification	Prior to issuance of first certificate of occupancy				





Gray Davis  
GOVERNOR

June 24, 2002

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Tal Finney  
INTERIM DIRECTOR

RECEIVED

JUN 26 2002

PLANNING DEPT.

Richard Kite  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

Subject: Avenue O-8 Retail Center  
SCH#: 2002051130

Dear Richard Kite:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on June 21, 2002, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Director, State Clearinghouse--



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2002051130  
**Project Title** Avenue O-8 Retail Center  
**Lead Agency** Palmdale, City of

---

**Type** Neg Negative Declaration  
**Description** Construction of a 300,000+ sq. ft. regional shopping center on vacant land adjacent to the SR-14 in central Palmdale.

---

**Lead Agency Contact**

**Name** Richard Kite  
**Agency** City of Palmdale  
**Phone** 661 267-5200 **Fax**  
**email**  
**Address** 38250 Sierra Highway  
**City** Palmdale **State** CA **Zip** 93550

---

**Project Location**

**County** Los Angeles  
**City** Palmdale  
**Region**  
**Cross Streets** 10th Street West/ Avenue O-8  
**Parcel No.**  
**Township** **Range** **Section** **Base**

---

**Proximity to:**

**Highways** 14, 138  
**Airports** Palmdale Reg'l/ USAF Plant 42  
**Railways** UP  
**Waterways**  
**Schools**  
**Land Use** Vacant. Zoning: Commercial Center. GP: Commercial Center

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**Project Issues** Aesthetic/Visual; Air Quality; Noise; Traffic/Circulation; Wildlife; Cumulative Effects

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; State Clearinghouse

---

**Date Received** 05/23/2002 **Start of Review** 05/23/2002 **End of Review** 06/21/2002

---



Gray Davis  
GOVERNOR

July 3, 2002

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Tal Finney  
INTERIM DIRECTOR

Richard Kite  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

Subject: Avenue O-8 Retail Center  
SCH#: 2002051130

Dear Richard Kite:

The enclosed comment (s) on your Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on June 21, 2002. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2002051130) when contacting this office.

Sincerely,

  
Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures

cc: Resources Agency

RECEIVED  
JUL 10 2002  
PLANNING DEPT

## DEPARTMENT OF TRANSPORTATION

DISTRICT 7, REGIONAL PLANNING

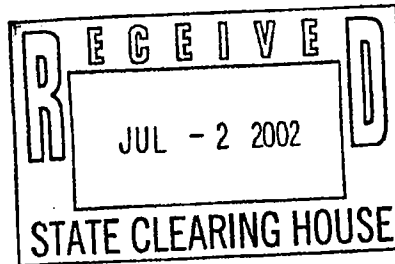
GR/CEQA BRANCH

20 SO. SPRING ST.

LOS ANGELES, CA 90012

PHONE: (213) 897-4429

FAX: (213) 897-1337



*Flex your power!  
Be energy efficient!*

IGR/CEQA No. 020585AL

Avenue O-8 Retail Center

Vic. LA-14 / PM 61.7

June 20, 2002

Mr. Richard Kite, Case Planner  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

Dear Mr. Kite:

*200205130*

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project is to construct a 308,632 SF regional shopping center on a 38.31-acre vacant site in the City of Palmdale.

Regarding the intersection (#14) of the N/B Route 14 off-ramp and Avenue P, the existing configuration of the off-ramp is two lanes (lane #1 is for left turns only and lane #2 is for both left and right turns). The existing right turn pocket does not have sufficient storage length. Figure 5 of the Traffic Impact Analysis shows three lanes. The level of service (LOS) B shown in Table A, is questionable if the basis is for three lanes. Based on the existing 2001 and 2003 ramp volumes (Figure 6 and 8), we request a widening of the off-ramp to provide a right turn lane with sufficient storage length, approximately 250 feet. It is recommended to install sidewalk to provide continuity for pedestrians including handicap facilities on the south side of Avenue P between the off and on-ramp.

Caltrans concurs with the project applicant making a fair share contribution to the cost of installing a traffic signal at Route 14 S/B on-ramp and Avenue P. Caltrans is supportive of the position that the mitigation of the project's cumulative impacts can be accomplished in part through implementation of the City's traffic impact fee program.

We would like to remind you that any work to be performed within the State right-of-way will need an Encroachment Permit from Caltrans.

Any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods.

Thank you for the opportunity to have reviewed this project. If you have any questions, please feel free to contact me at (213) 897-4429 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 020585AL.

Sincerely,



STEPHEN J. BUSWELL  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

Steve Buswell/AL

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7, REGIONAL PLANNING

IGR/CEQA BRANCH

120 SO. SPRING ST.

LOS ANGELES, CA 90012

PHONE: (213) 897-4429

FAX: (213) 897-1337

*Flex your power!  
Be energy efficient!*

IGR/CEQA No. 020771AL  
Avenue O-8 Retail Center  
Referenced to IGR/CEQA No. 020585AL  
Vic. LA-14 / PM 61.7

August 29, 2002

Mr. Richard Kite, Case Planner  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

Dear Mr. Kite:

This is follow-up to our letter dated August 12, 2002 sent to the City of Palmdale regarding the Avenue O-8 Retail Center's traffic impact analysis. We have completed our review of the traffic impact analysis. The following is our comment.

Caltrans recommends that the City require the applicant to pay applicable cumulative traffic impact fees at the time of permit issuance. Please see our formula in appendix B of our traffic study guideline website at

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

We request that a portion of this revenue be saved for improvements to the Congestion Management Program (CMP) road network when the need arises.

Thank you for the opportunity to have reviewed this project. If you have any questions, please feel free to contact me at (213) 897-4429 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 020771AL.

Sincerely,

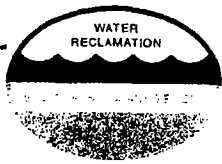
A handwritten signature in black ink, appearing to read "Stephen J. Buswell".

STEPHEN J. BUSWELL  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

Steve Buswell/AL

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SEP - 3 2002  
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## COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
www.lacsd.org

JAMES F. STAHL  
*Chief Engineer and General Manager*

February 28, 2002

File No: 14-00.00-00

Mr. Richard Kite, Associate Planner  
Planning Department  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

RECEIVED  
MAR - 4 2002  
PLANNING DEPT.

Dear Mr. Kite:

**Tentative Parcel Map No. 26593, Conditional Use Permit No. 02-02**

The letter and plans for the subject project, forwarded by your office, were received by the County Sanitation Districts of Los Angeles County (Districts) on February 19, 2002. We offer the following comments regarding sewerage service:

1. Although the project area is located within the jurisdictional boundaries of District No. 20, wastewater originating from some parcels may more easily flow to District No. 14. If individual parcels wish to connect to a local sewer line that flows to District No. 14, they must detach from District No. 20 and annex to District No. 14 before sewerage service can be provided to the proposed development. For specific information regarding this procedure and fees, please contact Ms. Margarita Cabrera at extension 2708.
2. The wastewater flow originating from the proposed project will discharge to local sewer lines, which are not maintained by the Districts, for conveyance to either the District No. 14 Amargosa Creek Trunk Sewer located in Division Street at Avenue M-8, or the District No. 20 Trunk "C" Trunk Sewer located in Rancho Vista Boulevard at Fairway Drive. The 15-inch diameter Amargosa Creek Trunk Sewer has a design capacity of 4.1 million gallons per day (mgd) and conveyed a peak flow of 0.05 mgd when last measured in 2000. The 12-inch diameter Trunk "C" Trunk Sewer has a design capacity of 1.9 mgd and conveyed a peak flow of 0.02 mgd when last measured in 2000.
3. The wastewater generated by the proposed project will be treated at the Lancaster Water Reclamation Plant (WRP) or the Palmdale WRP. The Lancaster WRP has a design capacity of 16 mgd and currently processes an average flow of 12.4 mgd. The Palmdale WRP has a design capacity of 15 mgd and currently processes an average flow of 9.2 mgd.
4. The expected average wastewater flow from the project site is 97,223 gallons per day.

5. The Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System or **increasing the existing strength and/or quantity of wastewater attributable to a particular parcel or operation already connected**. This connection fee is required to construct an incremental expansion of the Sewerage System to accommodate the proposed project which will mitigate the impact of this project on the present Sewerage System. Payment of a connection fee will be required before a permit to connect to the sewer is issued. A copy of the Connection Fee Information Sheet is enclosed for your convenience. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at extension 2727.
6. In order for the Districts to conform with the requirements of the Federal Clean Air Act (CAA), the design capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into the Air Quality Management Plan, which is prepared by the South Coast Air Quality Management District in order to improve air quality in the South Coast Air Basin as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner which will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels which are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 699-7411, extension 2717.

Very truly yours,

James F. Stahl



Ruth I. Frazen  
Engineering Technician  
Planning & Property Management Section

RIF:rf

Enclosure

c: M. Cabrera





JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

July 22, 2002

IN REPLY PLEASE  
REFER TO FILE: WM-4

Mr. Richard Kite  
Case Planner  
City of Palmdale Planning Department  
38250 Sierra Highway  
Palmdale, CA 93550

RECEIVED  
JUL 28 2002  
PLANNING DEPT.

Dear Mr. Kite:

### RESPONSE TO A MITIGATED NEGATIVE DECLARATION AVENUE O-8 RETAIL CENTER CITY OF PALMDALE

Thank you for the opportunity to provide comments on the Mitigated Negative Declaration. The project proposes to develop about 300,000 square feet of commercial buildings northeast of Route 14 at the southeast corner of 10th Street West and Avenue O-8 in the City of Palmdale. We have reviewed the submittal and offer the following comments:

#### Environmental Programs

In Section P. Utilities, include the following requirements:

As projected in the Los Angeles County Countywide Siting Element, which was approved by a majority of the cities in the County of Los Angeles in late 1997 and by the County Board of Supervisors in January 1998, a shortfall in permitted daily landfill capacity may be experienced in the County within the next few years. The construction activities and the postdevelopment operation associated with the proposed project will increase the generation of solid waste and may negatively impact the solid waste management infrastructure in the County.

Therefore, category "5. Solid waste disposal" should be classified as "Potentially Significant Unless Mitigation Incorporated" and the environmental document must identify what measures the project proponent plans to implement to mitigate the impact. Mitigation measures may include, but are not limited to, implementation of waste reduction and recycling programs to divert the solid waste, including construction and demolition waste,

Mr. Richard Kite  
July 22, 2002  
Page 2

from the landfills. The California Solid Waste Reuse and Recycling Access Act, as amended, requires each "development project" to provide an adequate storage area for collection and removal of recyclable materials. The environmental document should include standards to provide adequate storage areas for collection/storage of recyclable materials for this project.

In Section C. Water, include the following requirement:

Should any operation within the subject project include the construction/installation, modification or removal of underground storage tanks, industrial waste treatment or disposal facilities, and/or stormwater treatment facilities, our Environmental Programs Division must be contacted for required approvals and operating permits.

If you have any questions, please contact Mr. Wilson Fong at (626) 458-3581.

#### Geotechnical and Materials Engineering

The proposed project will not have significant environmental effects from a geology and soils standpoint, provided the appropriate ordinances and codes are followed.

If you have any questions, please contact Mr. Amir Alam at (626) 458-4925.

#### Traffic and Lighting

The proposed project consists of the development of 303,261 square feet of retail shopping center, 40,000 square feet of specialty retail, 7,000 square feet of restaurants, and a gas station with eight fueling stations. The project is estimated to generate approximately 14,006 daily vehicle trips with 409 and 1,123 vehicle trips during the a.m. and p.m. peak hour, respectively.

In order to complete our review, a revised traffic study shall be submitted to include the following:

- The County's methodology shall be used when evaluating County and/or County/City intersections. The analysis shall also address the cumulative impacts generated by this and other related projects and include Level of Service (LOS) analysis for the affected intersections for the traffic scenarios in the enclosed County of Los Angeles Traffic Impact Analysis Report Guidelines. The LOS analysis for the intersections and roadways analyzed shall be conducted for the following traffic scenarios and the project's build-out shall be indicated in (b).

- (a) Existing Traffic
  - (b) Existing traffic, plus ambient growth to the Year 2003 (preproject).
  - (c) Traffic in (b) plus project traffic.
  - (d) Traffic in (c) with the proposed mitigation measures (if necessary).
  - (e) Traffic in (c) plus cumulative traffic of other known developments; and,
  - (f) Traffic in (e) with the proposed mitigation measures (if necessary).
- The study assumes an internal capture rate of 25 percent for the fast-food restaurant, 10 percent for the specialty retail, 25 percent for the gas station. The Institute of Transportation Engineers (ITE) Trip Generation Handbook, 6th Edition, Chapter 7, Multiuse Development, pages 79-104, states, "A shopping center could also be considered a multi-use development. However, because data have been collected directly for them, shopping centers are considered in Trip Generation as a single land use. The associated trip generation rates and equations given in Trip Generation reflect the 'multi-use' nature of the development because to the way shopping center data have been collected. Accordingly, internal capture rates are not applicable and should not be used to forecast trips for shopping centers if using Land Use Code 820 statistics and data." Therefore, the internal capture rate of 25 percent for the fast-foot restaurant, 10 percent for the specialty retail, 25 percent for the gas station assumed in the study are not applicable and should not be used, since shopping center rates were used.
  - The study assumes pass-by trip reduction of 50 percent for the fast-food restaurant, 50 percent for the specialty retail, and 42 percent for the gas station. According to the ITE Trip Generation Handbook, 6th Edition, Chapter 5, Pass-by, Primary, and Diverted Link Trips, on pages 27-76, back up of pass-by trip reduction assumptions shall be provided and supported by data based on actual similar developments.
  - The study assumes that 10 percent of the project trip will be from the Antelope Valley Mall, as shown in Figure 11, on page 26. Since it is not expected that the traffic generated from the mall will return to the mall, the outbound trips from the mall assumed at the project should be redistributed to other likely destinations.
  - We disagree with the project's fair share calculations for the traffic signal at the intersection of 10th Street West and Avenue O. The existing traffic should not be included in the calculation. The project percentage share formula on page 8 of the Los Angeles County Traffic Impact Analysis Report Guidelines shall be used to calculate the project's a fair share.

Mr. Richard Kite  
July 22, 2002  
Page 4

- A traffic signal warrant analysis based on the State of California Department of Transportation (Caltrans) Peak-Hour (Figures 9-8 and 9-9 of Caltrans Traffic Manual) and Estimated Average Daily (Figure 9-4 of Caltrans Traffic Manual) Traffic Warrant Analysis shall be conducted for all unsignalized intersections analyzed in the study.
- Include the Tentative Parcel Map 26721 project, located at the southwest corner of the intersection of 10th Street West at Avenue 0-8, in the cumulative traffic scenario. The County of Los Angeles Department of Regional Planning shall be contacted to obtain a list of other proposed projects located in the unincorporated area of the County of Los Angeles in the vicinity of the project. The list should contain any proposed projects within a two-mile radius of the project site.

It appears that the traffic generated by the project may significantly impact the (SR-14) Freeway. A freeway analysis shall be conducted per the Caltrans Guide for the Preparation of Traffic Impact Studies for any impacts/mitigation measures within the Caltrans jurisdiction. All potential project traffic impacts including the impacts to the freeways shall be documented in the study.

If you have any questions, please contact Mr. Nickolas VanGunst at (626) 300-4768.

#### Watershed Management

The proposed project should include investigation of watershed management opportunities to maximize capture of local rainfall on the project site, eliminate incremental increases in flows to the storm drain system, and provide filtering of flows to capture contaminants originating from the project site.

Mr. Richard Kite  
July 22, 2002  
Page 5

If you have any questions regarding the above comments or the environmental review process of Public Works, please contact Ms. Massie Munroe at the above address or at (626) 458-4359.

Very truly yours,

JAMES A. NOYES  
Director of Public Works



ROD H. KUBOMOTO  
Assistant Deputy Director  
Watershed Management Division

MM:sv/kk  
C:\Drainage\Munroe\EIR41.wpd

Enc.



California Department of Fish and Game  
Region 5 - South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
California Endangered Species Act  
Incidental Take Permit No. 2081-2002-016-05  
Rothbart Development Corporation  
Avenue O-8 Retail Center Project

**Authority:** This California Endangered Species Act ("CESA") Incidental Take Permit ("Permit") is issued by the Department of Fish and Game ("Department") pursuant to Fish and Game Code section 2081(b) and section 2081(c), and California Code of Regulations, title 14, subdivision 3, chapter 6, article 1, commencing with section 783. CESA prohibits the take<sup>1</sup> of any species of wildlife that is included in the list of endangered species, the list of threatened species, or the list of candidate species<sup>2</sup>. However, the Department may authorize, by permit, the take of such species if the conditions set forth in section 2081(b) and section 2081(c) are met.

**Permittee:** Rothbart Development Corporation

**Mailing address:** 1801 Avenue of the Stars, Suite 920  
Los Angeles, CA 90067  
Contact: Stan Rothbart  
(310) 277-6288

**Project location:**

The project is located in the northern portion of the City of Palmdale, Los Angeles County (Ritter Ridge Quadrangle, Township 6 North, Range 12 West, Section 10 and 15). The project site is primarily located east of State Route 14,

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<sup>1</sup>Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill."

<sup>2</sup>"Candidate species" are species of wildlife that have not yet been placed on the list of endangered species or the list of threatened species, but which are under formal consideration for listing pursuant to Fish and Game Code section 2074.2.

southwest of the corner of 10th Street West and future Avenue O-8. The eastern portion of the project borders the west boundary of the Antelope Valley Country Club.

**Project description:**

The Avenue O-8 Retail Center project consists of a regional shopping center on an approximately 33.2-acre site in the City of Palmdale. The project includes a major warehouse-style discount retailer with a self-serve gas station along the site's northwestern boundary, and four smaller major retailers in the central and southern portions of the project site. Two drive-through restaurants and two retail pads are also proposed, as well as parking improvements, lighting and landscaping.

The project is expected to result in the permanent loss of 30.8 acres of Mohave ground squirrel habitat. Loss of this habitat will result in the subsequent death or displacement of any squirrels occupying the area. During construction, squirrels could be killed by construction equipment or suffocated in burrows.

**Covered species:**

This permit covers the following species:

Name	Status <sup>3</sup>
<u>Mammals</u>	
1. Mohave ground squirrel ( <i>Spermophilus mohavensis</i> )	Threatened

This species and only this species is hereinafter referred to as "Covered Species."

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<sup>3</sup>Refers to status under CESA. Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species. All other species are "unlisted."

**Effective date and expiration date of permit:**

This permit shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by applicant (see below) and returned to the Department. Unless renewed by the Department, this permit's authorization to take the Covered Species shall expire on December 31, 2003.

**Incidental take authorization:**

The Department authorizes the permittee, its employees, contractors and agents to take Covered Species incidentally in carrying out the project, subject to the limitations described in this section and the conditions of approval identified below. This permit does not authorize any intentional take of Covered Species, take of Covered Species from activities outside the scope of the project as described above, or take of Covered Species resulting from a permit violation.

**Conditions of Approval:**

The Department's issuance of this permit and Permittee's authorization to take the Covered Species is subject to Permittee's compliance with and implementation of the following conditions of approval:

1. Permittee shall comply with all applicable state, federal and local laws in existence on the effective date of this permit or adopted thereafter.
2. To ensure that impact minimization and mitigation requirements are implemented, Permittee shall:
  - a. Immediately notify the Department if it is not in compliance with any conditions of approval of this Permit, including but not limited to any actual or anticipated failure to implement mitigation measures within the time periods indicated in Attachment 2, the Mitigation Monitoring and Reporting Program (MMRP).
  - b. Notify the Department fourteen (14) days before initiating ground-disturbing activities.
  - c. Have a biological monitor with experience in Mohave ground squirrel biology on site during ground-disturbing activities. The name and phone number of the biological monitor shall be given to the Department's regional representative no later than 14 days before ground disturbing activities. If the biological monitor



observes a living Mohave ground squirrel on the construction site and/or determines that a Mohave ground squirrel was killed by project-related activities during construction or otherwise found dead, a written report will be sent to the Department within five (5) calendar days. The report will include the date, time of the finding or incident (if known), location of the carcass and the circumstances (if known). Mohave ground squirrel remains shall be collected and frozen as soon as possible. The Department shall be contacted as to the ultimate disposition of the remains.

- d. Allow the Department representatives access to the Project site to monitor compliance with the terms and conditions of this permit, subject to such reasonable restrictions as the Permittee requests.
  - e. No later than 45 days after completion of the project, including completion of all mitigation measures, Permittee shall provide the Department with a Final Mitigation Report. The Final Mitigation Report shall be prepared by a knowledgeable, experienced biologist and shall include, at a minimum: 1) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; 2) all available information about project-related incidental take of species named in the Permit; 3) information about other project impacts on the species named in the Permit; 4) construction dates; 5) an assessment of the effectiveness of the permit's conditions of approval in minimizing and compensating for project impacts; 6) recommendations on how mitigation measures might be changed to more effectively minimize and mitigate the impacts for future projects on the species; and 7) any other pertinent information..
  - f. Notwithstanding any expiration date on this permit's take authorization, Permittee's obligations under this permit do not end until the Department accepts the Final Mitigation Report as complete.
3. Permittee shall comply with either this Condition or Condition No. 4. Under this Condition 3, Permittee shall:
- a. Acquire and permanently protect 15.4 acres of suitable habitat for the Covered Species, as calculated in Table A of Attachment 1. Permittee shall transfer fee title to the habitat lands, or a conservation easement over these lands, along with \$1,463.00 for enhancement of the land, and \$1,617.00 as a non-wasting

endowment for permanent management of the land, to the Department or to an entity approved by the Department (see Table B of Attachment 1) prior to initiating ground-disturbing activities, except as provided in Condition No. 5. The Department's Office of the General Counsel shall approve the terms of the conservation easement.

- b. Provide a recent preliminary title report, hazardous materials site assessment report, and other documents identified in Attachment 3. All documents conveying habitat lands and all conditions of title are subject to the approval of the Department, the Department of General Services, and if applicable, the Fish and Game Commission.
  - c. Reimburse the Department for reasonable expenses incurred during title and documentation review, expenses incurred from other state agency reviews and overhead related to transfer of habitat lands to the Department. The Department estimates that this Project will create an additional cost to the Department of no more than \$3,000 for every fee title deed or easement processed.
4. Permittee shall comply with either this Condition or Condition No. 3. Prior to ground-disturbing activities, Permittee shall place \$30,800.00 into an escrow account for the Desert Tortoise Preserve Committee, Inc. (DTPC) to acquire and manage 15.4 acres of suitable habitat, and shall provide the Department with proof of that deposit. In addition, Permittee shall enter into a legally binding agreement with DTPC, approved by the Department, that requires DTPC to do all of the following:
- a. Use funds obtained from the Permittee to acquire at least 15.4 acres of suitable habitat located at the Desert Tortoise Research and Natural Area near California City, California, or at another location approved by the Department, no later than 60 days following issuance of this Permit;
  - b. No longer than one year after issuance of this Permit, execute and deliver to the Department a conservation easement approved by the Department over the habitat lands acquired to mitigate the impacts of the Project on Covered Species;
  - c. Use remaining funds to enhance and manage the habitat lands as specified in the DTPC's Habitat Management Guidelines.

In the event that DTPC determines \$30,800.00 is insufficient to satisfy the above requirements, Permittee shall, alternatively, place into an escrow

account an amount the Department and DTPC determine to be sufficient to enable DTPC to meet its obligations under its agreement with Permittee.

5. The Permittee may initiate ground-disturbing activities prior to acquisition of the habitat lands if the Permittee provides the Department with proof of transfer of funds to the escrow account as specified in Condition No. 4 or if the Permittee provides security in an amount that will cover the Department's cost of acquiring the replacement habitat in the event the Permittee fails to do so. The security shall be in the form of an irrevocable standby letter of credit in the amount of \$30,800.00, or another form of security in that amount acceptable to the Department. The terms of the security shall be approved by the Department's Office of the General Counsel. The security shall allow the Department to draw on the principal sum if the Department, at its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of this Permit.
6. This permit may be amended without the concurrence of the Permittee if the Department determines that continued implementation of the project under existing permit conditions would jeopardize the continued existence of a Covered Species or that changed biological conditions necessitate a permit amendment to ensure that impacts to the Covered Species are minimized and fully mitigated.
7. The Department may issue Permittee a written stop work order to suspend any activity covered by this permit for an initial period of up to 25 days to prevent a violation of this permit or the illegal take of an endangered, threatened or candidate species. Permittee shall comply with the stop work order immediately upon receipt thereof. The Department may extend a stop work order under this provision for a period not to exceed 25 additional days, upon written notice to the Permittee. The Department shall commence the formal suspension process pursuant to California Code of Regulations, title 14, section 783.7 within five working days of issuing a stop work order.

#### **Compliance with Other Laws**

This permit contains the Department's requirements for the project pursuant to CESA. This permit does not necessarily create an entitlement to proceed with the project. The

Permittee is responsible for complying with all other applicable state, federal, and local laws.

### Notices

Written notices, reports and other communications relating to this permit shall be delivered to the Department by first class mail at the following addresses, or at addresses the Department may subsequently provide the Permittee:

Original to: Chuck Raysbrook, Regional Manager  
Region 5 - South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123

Copy to: General Counsel  
Department of Fish and Game  
1416 Ninth Street, 12th Floor  
Sacramento, CA 95814

Unless otherwise specified, the Department's regional representative shall be Mr. Scott Harris, P.O. Box 950310, Granada Hills, CA 91355, (818) 360-8140.

### Compliance with the California Environmental Quality Act

The Department's issuance of a permit is a "project" subject to the California Environmental Quality Act, Public Resources Code, section 21000, et seq. ("CEQA"). The City of Palmdale (City), acting as lead agency under CEQA, prepared a Mitigated Negative Declaration for the project and adopted that document on June 27, 2002. The City found that the Project with mitigation measures incorporated by the Permittee would not have a significant effect on the environment.

The Department is acting as a Responsible Agency under CEQA in issuing this permit. Section 15096(a) of the CEQA Guidelines states that "A responsible agency complies with CEQA by considering the EIR or negative declaration prepared by the lead agency and by reaching its own conclusions on whether or how to approve the project involved." Section 15096(g)(1) of the CEQA Guidelines further states that "A responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve." In issuing the permit, therefore, CEQA required the Department to review the lead agency's document for the Project and to ensure that the direct and indirect environmental effects approved or authorized in the permit for the Project will be

Incidental Take Permit  
No. 2081-2002-016-05  
Rothbart Development Corporation  
Avenue O-8 Retail Center Project

adequately mitigated or avoided. As stated in the CESA findings, below, the Department has determined that all impacts of taking Covered Species from Project activities are minimized and fully mitigated under the conditions of approval of this permit.

### **CESA Findings**

With respect to CESA, the Department finds that based on the Administrative Record all of the following conditions are met:

- (1) Take of Covered Species as defined in the Permit will be incidental to an otherwise lawful activity;
- (2) The impacts of the take will be minimized and fully mitigated through the implementation of measures required by this permit and described in "Avenue O-8 Retail Center Project - Application for 2081 Permit to Authorize Incidental Take of Mohave Ground Squirrel" dated July 26, 2002. Measures include construction site monitoring and minimization of disturbance, and acquisition and protection of 15.4 acres of suitable Mohave ground squirrel habitat. Mitigation at a 0.5:1 ratio was determined to fully mitigate impacts to Mohave ground squirrel for this project because the replacement habitat is of higher quality than the project site habitat;
- (3) The conservation and mitigation measures required pursuant to the conditions of this permit and attachments are roughly proportional in extent to the impact of Rothbart Development Corporation's take;
- (4) Where various measures are available to meet the mitigation requirement under CESA, the measures required will maintain Rothbart Development Corporation's objectives to the greatest extent possible;
- (5) All required measures are capable of implementation;
- (6) The Permit is consistent with any regulations adopted pursuant to Sections 2112 and 2114 of the Fish and Game Code;
- (7) Rothbart Development Corporation has ensured adequate funding to implement the measures required by the Permit as well as for monitoring compliance with, and the effectiveness of, those measures for

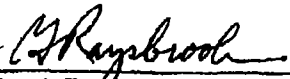
the project. This includes funds for acquisition, initial enhancement, and long-term management; and

(8) Issuance of the Permit will not jeopardize the continued existence of the Covered Species based on the best scientific information and other information that is reasonably available, and includes consideration for the species' capability to survive and reproduce, and any adverse impacts to the taking on those abilities in light of (a) known population trends; (b) known threats to the species; and (c) reasonably foreseeable impacts on the species from other related projects and activities. The Department's finding is based in part on the Department's express authority to amend the terms and conditions of the Permit as necessary to avoid jeopardy.

**Attachments:**

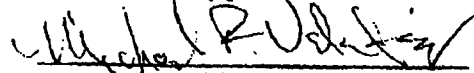
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|--------------|--|
| ATTACHMENT 1 | Avenue O-8 Retail Center Project Application for 2081 Permit to Authorize Incidental Take of Mohave Ground Squirrel, dated July 26, 2002 |
| ATTACHMENT 2 | Avenue O-8 Retail Center Project: Mitigation Monitoring and Reporting Program  |
| ATTACHMENT 3 | Habitat Management Lands Checklist   |

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME  
on 11/07, 2002.

  
\_\_\_\_\_  
Chuck Raysbrook, Regional Manager  
South Coast Region  
San Diego, California

Incidental Take Permit  
No. 2081-2002-016-05  
Rothbart Development Corporation  
Avenue O-8 Retail Center Project

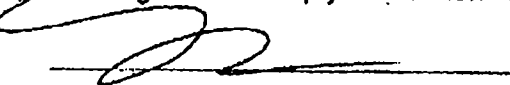
Approval as to form:

  
 Michael R. Valentine  
 General Counsel

**ACKNOWLEDGMENT**

The undersigned applicant acknowledges receipt of this permit and, by signing, accepts and agrees to comply with all terms and conditions of the permit.

By:



Date:

11/8/02

Name:

Stanley Rothbart

Title:

President

SIGNAL  
SOUTH  
SOUTH  
TEMPL  
WALNI  
WEST  
WEST  
WHIT



Richard Kite, Case Planner  
July 1, 2002  
Page 3

5. For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.

**LIMITED ACCESS DEVICES (GATES ETC.):**

1. All limited access devices shall be of a type approved by the Fire Department.
2. Gate plans shall be submitted to the Fire Department, prior to installation. These plans shall show all locations, widths and details of the proposed gates.

**TRAFFIC CALMING MEASURES:**

All proposals for traffic calming measures (speed humps/bumps, traffic circles, roundabouts, etc.) shall be submitted to the Fire Department for review, prior to implementation.

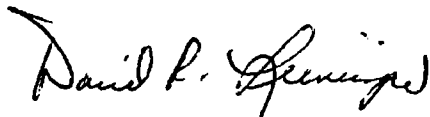
Should any questions arise regarding design and construction, and/or water and access, please contact Inspector Mike McHargue at (323) 890-4243 (E-mail: mmchargu@lacofd.org).

**FORESTRY DIVISION - OTHER ENVIRONMENTAL CONCERNS:**

The statutory responsibilities of the County of Los Angeles Fire Department Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance. The proposed project will not have significant environmental impacts in these areas.

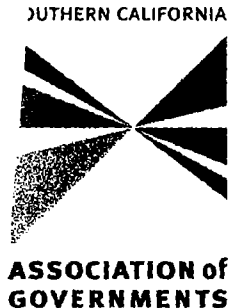
If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



DAVID R. LEININGER, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION BUREAU

DRL:lc



**Main Office**

818 West Seventh Street  
12th Floor  
Los Angeles, California  
90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Officers: President: Councilmember Hal Benson, Los Angeles • First Vice President: Mayor Pro Tem Bev Perry, Brea • Second Vice President: Supervisor Charles Smith, Orange County • Immediate Past President: Supervisor Jon Mikels, San Bernardino County

Imperial County: Hank Kuiper, Imperial County • Jo Shields, Brawley

Los Angeles County: Yvonne Brathwaite Burke, Los Angeles County • Zev Yaroslavsky, Los Angeles County • Melanie Andrews, Compton • Harry Baldwin, San Gabriel • Bruce Barrows, Cerritos • George Bass, Bell • Hal Benson, Los Angeles • Ken Blackwood, Lomita • Robert Bruesch, Rosemead • Gene Daniels, Paramount • Ruth Galanter, Los Angeles • Eric Garcetti, Los Angeles • Wendy Gruel, Los Angeles • James Hahn, Los Angeles • Janice Hahn, Los Angeles • Nate Holden, Los Angeles • Sandra Jacobs, El Segundo • Tom LaBonge, Los Angeles • Bonnie Lowenthal, Long Beach • Lawrence Kirkley, Inglewood • Keith McCarthy, Downey • Cindy Miskowski, Los Angeles • Pam O'Connor, Santa Monica • Nick Pacheco, Los Angeles • Alex Padilla, Los Angeles • Jan Perry, Los Angeles • Beatrice Proo, Pico Rivera • Mark Ridley-Thomas, Los Angeles • Ed Reyes, Los Angeles • Karen Rosenthal, Claremont • Dick Stanford, Azusa • Tom Sykes, Walnut • Paul Talbot, Alhambra • Sidney Tyler, Jr., Pasadena • Dennis Washburn, Calabasas • Jack Weiss, Los Angeles • Bob Yousefian, Glendale • Dennis P. Zine, Los Angeles

Orange County: Charles Smith, Orange County • Ron Bates, Los Alamitos • Ralph Bauer, Huntington Beach • Art Brown, Buena Park • Lou Bone, Tustin • Elizabeth Cowan, Costa Mesa • Cathryn DeYoung, Laguna Niguel • Richard Dixon, Lake Forest • Alta Duke, La Palma • Shirley McCracken, Anaheim • Bev Perry, Brea • Tod Ridgeway, Newport Beach

Riverside County: Bob Buster, Riverside County • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula • Jan Rudman, Corona • Charles White, Moreno Valley

San Bernardino County: Jon Mikels, San Bernardino County • Bill Alexander, Rancho Cucamonga • Lee Ann Garcia, Grand Terrace • Bob Hunter, Victorville • Susan Lien, San Bernardino • Gary Oviatt, Ontario • Debra Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

June 20, 2002

Mr. Richard Kite  
Case Planner  
City of Palmdale Planning Department  
38250 Sierra Highway  
Palmdale, CA 93550

RE: SCAG Clearinghouse No. 1 20020291 Avenue 0-8 Retail Center

Dear Mr. Kite:

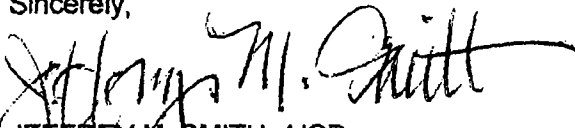
Thank you for submitting the Avenue 0-8 Retail Center to SCAG for review and comment. As areawide clearinghouse for regionally significant projects SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the Avenue 0-8 Retail Center, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQ) Guidelines (Section 15206). The proposed shopping center does encompass more than 500,000 square feet of floor area. Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's June 1, 2002 Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have questions, please contact me at (213) 236-1867. Thank you.

Sincerely,

  
JEFFREY M. SMITH, AICP  
Senior Regional Planner  
Intergovernmental Review

RECEIVED

JUN 21

PLANNING

RECORDING REQUESTED BY  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO.  
WHEN RECORDED MAIL TO  
Los Angeles County Waterworks Districts  
P.O. Box 1460  
900 South Fremont Avenue  
Alhambra, California 91802-1460

## ATTACHMENT A

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER  
TAX PURSUANT TO SECTION 11922 OF THE REVENUE &  
TAXATION CODE.

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES  
PURSUANT TO SECTION 27383 OF THE GOVERNMENT CODE.

Space above this line for Recorder's use

## EASEMENT

*FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,*

**A.C. WARNACK, TRUSTEE OF THE A.C. WARNACK TRUST DATED JANUARY 3, 1985, AS TO AN UNDIVIDED  $\frac{1}{4}$  INTEREST, AND A.C. WARNACK, AS HIS SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED  $\frac{1}{4}$  INTEREST.**

*does hereby grant to Los Angeles County Waterworks District No.40, Antelope Valley, a governmental agency, an easement for ingress/egress purposes for everyday operation and maintenance activities as to parcel 1, ingress/egress purposes for construction traffic and everyday operation and maintenance activities as to parcels 2 and 4, water pipelines and appurtenances and ingress/egress purposes and the right to construct, maintain, operate, and use same as to parcel 3 in and across the real property in the city of Palmdale, County of Los Angeles, State of California, described as*

See Exhibits "A" and "B", attached here to and made part thereof.

*Together with the right to enter upon and to pass and repass over and along said easement and right of way and to deposit tools, implements and other materials thereon, by said District, its officers, agents and employees, and by any contractor, his agents and employees, engaged by said District, whenever and wherever necessary for the purposes above set forth.*

*It is understood that each undersigned grantor grants said easement only for that portion of the described land in which said grantor has an interest.*

*Use of the surface of said parcel 3 by the owner thereof shall be subject to the following conditions:*

*(A) At no point on said easement area shall there be any fill placed without prior approval of said District; (B) the ground surface within the easement area shall not be lowered by grading or otherwise in such manner as to reduce the depth of cover to less than three (3) feet at any point above the top of any of said District-owned facilities therein; (C) no permanent building, or other structure of whatever nature, shall be constructed upon any portion of the easement area. The erection of walls and fences and placement of landscaping shall be subject to prior approval of said District; and (D) any and all uses of the easement area by the grantor, subsequent to the granting of the easement, shall not restrict or inhibit the utilization of the easement by said District for the intended purposes above set forth.*

**A.C. WARNACK, TRUSTEE OF THE A.C. WARNACK TRUST DATED JANUARY 3, 1985,  
AS TO AN UNDIVIDED  $\frac{1}{4}$  INTEREST, AND A.C. WARNACK, AS HIS SOLE AND  
SEPARATE PROPERTY, AS TO AN UNDIVIDED  $\frac{1}{4}$  INTEREST.**

Easement Location: AIN 3005-048-014, 016  
& 020

10<sup>th</sup> St. West & Ave O-8  
Parcel Map No. 26593

Waterworks Dist. No.- 40- Region 34  
Specification  
Distribution Sheet - 0-10

SIGNATURE DATE PRINT NAME, TITLE

SIGNATURE DATE PRINT NAME, TITLE

NOTE: ALL SIGNATURES MUST BE ACKNOWLEDGED OR WITNESSED FOR DOCUMENT EXECUTION TO BE COMPLETE.  
ACKNOWLEDGMENT AND WITNESS FORMS APPEAR ON ATTACHED SHEET(S).

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_ Notary Public.  
\_\_\_\_\_ personally appeared \_\_\_\_\_

\_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

APPROVED ON:

As to execution:

By \_\_\_\_\_  
Senior Civil Engineer

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed or grant to said Los Angeles County Waterworks District, a governmental agency, is hereby accepted and the Grantee consents to the recordation thereof

Dated \_\_\_\_\_

By \_\_\_\_\_  
Assistant Deputy Director

# LEGAL DESCRIPTION

## EXHIBIT "A"

### PARCEL 1

A PORTION OF PARCEL D OF LOT LINE ADJUSTMENT NO. 572, IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED OCTOBER 24, 2003, AS INSTRUMENT NO. 03-3186206, OFFICIAL RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A OF SAID LOT LINE ADJUSTMENT NO. 572; SAID POINT ALSO BEING ON THE NORTHERLY LINE OF SAID PARCEL D; THENCE EASTERLY ALONG SAID NORTHERLY LINE NORTH 89°48'46" EAST 34.25 FEET; THENCE SOUTH 29°01'32" EAST 33.04 FEET TO THE BEGINNING OF A CURVE, CONCAVED SOUTHWESTERLY, HAVING A RADIUS OF 393.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°12'39" AN ARC LENGTH OF 70.04 FEET; THENCE SOUTH 18°57'16" EAST 28.65 FEET TO THE WESTERLY LINE OF SAID PARCEL D; THENCE NORTHWESTERLY ALONG SAID LINE NORTH 43°40'09" WEST 77.52 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVED SOUTHWESTERLY, HAVING A RADIUS OF 363.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 64°26'17" EAST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°36'32" AN ARC LENGTH OF 22.86 FEET; THENCE NORTH 29°01'32" WEST 49.59 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,115.49 S.F. (±0.07 AC.)

### PARCEL 2

A PORTION OF PARCELS B AND C OF LOT LINE ADJUSTMENT NO. 572, IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED OCTOBER 24, 2003, AS INSTRUMENT NO. 03-3186206, OFFICIAL RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL B OF SAID LOT LINE ADJUSTMENT NO. 572; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL B SOUTH 16°20'09" EAST 25.81 FEET; THENCE SOUTH 09°22'07" WEST 51.72 FEET TO THE BEGINNING OF A CURVE, CONCAVED EASTERLY, HAVING A RADIUS OF 150.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°36'17" AN ARC LENGTH OF 25.15 FEET; THENCE SOUTH 00°14'10" EAST 248.78 FEET; THENCE SOUTH 20°34'59" EAST 50.86 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVED WESTERLY, HAVING A RADIUS OF 934.50 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 89°43'33" EAST, SAID POINT ALSO BEING ON THE EASTERLY LINE OF SAID PARCEL C; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°28'45" AN ARC LENGTH OF 73.06 FEET, TO THE SOUTHERLY LINE OF SAID PARCEL C; THENCE ALONG SAID SOUTHERLY LINE NORTH 83°37'01" WEST 25.01 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVED NORTHWESTERLY, HAVING A RADIUS OF 909.50 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 85°17'24" EAST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°08'47" AN ARC LENGTH OF 65.82 FEET; THENCE NORTH 20°34'59" WEST 50.71 FEET; THENCE NORTH 00°14'10" WEST 253.27 FEET TO THE BEGINNING OF A CURVE CONCAVED EASTERLY, HAVING A RADIUS OF 175.00 FEET, THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°36'17" AN ARC LENGTH OF 29.34 FEET; THENCE NORTH 09°22'07" EAST 52.97 FEET TO THE BEGINNING OF A CURVE, CONCAVED WESTERLY, HAVING A RADIUS OF 75.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°33'22" AN ARC LENGTH OF 12.51 FEET; THENCE NORTH 00°11'15" WEST 6.96 FEET TO THE NORTHERLY LINE OF SAID PARCEL B; THENCE ALONG SAID NORTHERLY LINE NORTH 89°49'23" EAST 16.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,706.24 S.F. (±0.27 AC.)

### PARCEL 3

A PORTION OF PARCEL D OF LOT LINE ADJUSTMENT NO. 572, IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED OCTOBER 24, 2003, AS INSTRUMENT NO. 03-3186206, OFFICIAL RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERN MOST CORNER OF PARCEL D OF SAID LOT LINE ADJUSTMENT NO. 572; SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVED SOUTHWESTERLY, HAVING A RADIUS OF 934.50 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 85°14'48" EAST; THENCE SOUTHWESTERLY ALONG THE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°29'52" AN ARC LENGTH OF 318.01 FEET TO BE THE BEGINNING OF A NON-TANGENT COMPOUND CURVE, CONCAVED SOUTHWESTERLY, HAVING A RADIUS OF 702.49 FEET, A RADIAL LINE THROUGH SAID BEGINNING OF CURVE BEARS SOUTH 67°33'05" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°20'55" AN ARC LENGTH OF 102.36 FEET; THENCE SOUTH 54°50'41" WEST 28.84 FEET; THENCE SOUTH 39°01'08" WEST A DISTANCE OF 115.11 FEET, TO THE MOST SOUTHERLY LINE OF SAID PARCEL D; THENCE WESTERLY ALONG SAID SOUTHERLY LINE NORTH 89°37'31" WEST 37.33 FEET; THENCE NORTH 47°56'13" WEST 1.45 FEET ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL D TO A POINT ON THE SOUTHEASTERLY LINE OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEEDS TO LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 34, RECORDED NOV. 2, 1992 AS DOCUMENT NUMBERS 92-2014960 & 92-2014961, OFFICIAL RECORDS, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVED NORTHWESTERLY, HAVING A RADIUS OF 885.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 49°19'04" EAST; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 12°19'40" AN ARC LENGTH OF 190.42 FEET; THENCE SOUTH 47°56'29" EAST 24.47 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVED NORTH WESTERLY, HAVING A RADIUS OF 677.49 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 61°24'03" EAST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°11'02" AN ARC LENGTH OF 73.12 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVED WESTERLY, HAVING A RADIUS OF 909.50 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 65°43'27" EAST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°34'02" AN ARC LENGTH OF 310.61 FEET TO THE EASTERLY MOST LINE OF SAID PARCEL D; THENCE ALONG SAID LINE SOUTH 83°37'01" EAST A DISTANCE OF 25.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,199.97 S.F. (±0.37 AC.)

## EXHIBIT "A"



PLANS PREPARED BY:

**Antelope valley**  
**Engineering Inc.**  
129 WEST PONDERA STREET  
LANCASTER, CA. 93534  
(661) 948-0805

**DESTINATION**  
**"O-8"**

SPECIFICATION: A.C. ESMNTS  
DIST. 1  
A.I.N. 3005-048-014,016,020  
T.G. 4195-G3  
REF: P.M. 26593, BK-331, PG 88-91

**TITLE:**  
**EASEMENT**

**EXHIBIT "A"**  
**08/04/05**

**SHEET 1 OF 4**


[illegible]

**PARCEL 4**

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER SOUTH 00°13'56" EAST 680.03 FEET TO THE NORTHERLY LINE OF PARCEL A OF VOLUNTARY LOT MERGER NO. 137 IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED ON OCTOBER 30, 2003 AS INSTRUMENT NO. 03-3252989, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTHERLY LINE NORTH 80°58'56" WEST 125.01 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF PARCEL 1 OF PARCEL MAP NO. 26593, IN SAID CITY, AS PER MAP FILED IN BOOK 313 PAGES 88-91, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL NORTH 18°54'55" EAST 95.55 FEET; THENCE SOUTH 00°11'15" EAST 95.35 FEET TO SAID NORTHERLY LINE OF PARCEL A; THENCE ALONG SAID NORTHERLY LINE NORTH 80°58'56" WEST 31.67 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1,490.86 S.F. ( $\pm 0.03$  AC.)



 <p>PLANS PREPARED BY:</p> <p><b>Antelope valley Engineering Inc.</b></p> <p>129 WEST PONDERA STREET LANCASTER, CA. 93534 (861) 946-0805</p>	<p><b>DESTINATION</b> "0-8"</p>	<p><b>TITLE:</b> EASEMENT</p>
	<p>SPECIFICATION : A.C. ESMNTS DIST. : ---- A.I.N. 3005-048-014,016,020 T.G. : 4195-63 REF. P.M. 26593, BK-331, PG 88-91</p>	<p>EXHIBIT "A" 08/04/05</p>
		<p>SHEET 2 OF 4</p>

# EXHIBIT "B1"

PORTION E. 5 AC., NW 1/4, SW 1/4, SECT. 15, T6N, R12W, S.B.M., AND A PORTION OF PARCELS B, C & D, LLA NO. 572, RECD 10/24/03, INSTR. NO. 03-3186206

P.O.C. PARCEL 4  
NE COR. NW 1/4,  
SW 1/4, SECT. 15

10TH STREET WEST  
N 00°11'15" W 5404.12'

SCALE: 1"=200'

LINE	BEARING	LENGTH
L1	N89°37'13"W	37.33'
L2	N83°37'01"W	25.01'
L3	N20°34'59"W	50.86'
L4	N00°14'10"W	248.78'
L11	N00°14'10"W	253.27'
L12	N20°34'59"W	50.71'
L13	S47°56'29"E	24.47'

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	8°20'55"	702.49'	102.36'	51.27'
C2	19°29'52"	934.50'	318.01'	160.56'
C3	4°28'45"	934.50'	73.06'	36.55'
C8	4°08'47"	909.50'	65.82'	32.92'
C9	19°34'02"	909.50'	310.61'	156.83'
C10	6°11'02"	677.49'	73.12'	36.60'
C11	12°19'40"	885.00'	190.42'	95.58'

BASIS OF BEARING  
THE BEARINGS SHOWN ARE  
BASED ON THE BEARING OF  
N00°11'15" W BEING THE C/L  
OF 10th STREET WEST PER  
PARCEL MAP NO. 26593  
PMB 313 PGS 88-91 O.R.



AVENUE P

PLANS PREPARED BY:

**Antelope valley**  
**Engineering Inc.**  
129 WEST PONDERA STREET  
LANCASTER, CA. 93534  
(861) 948-0805

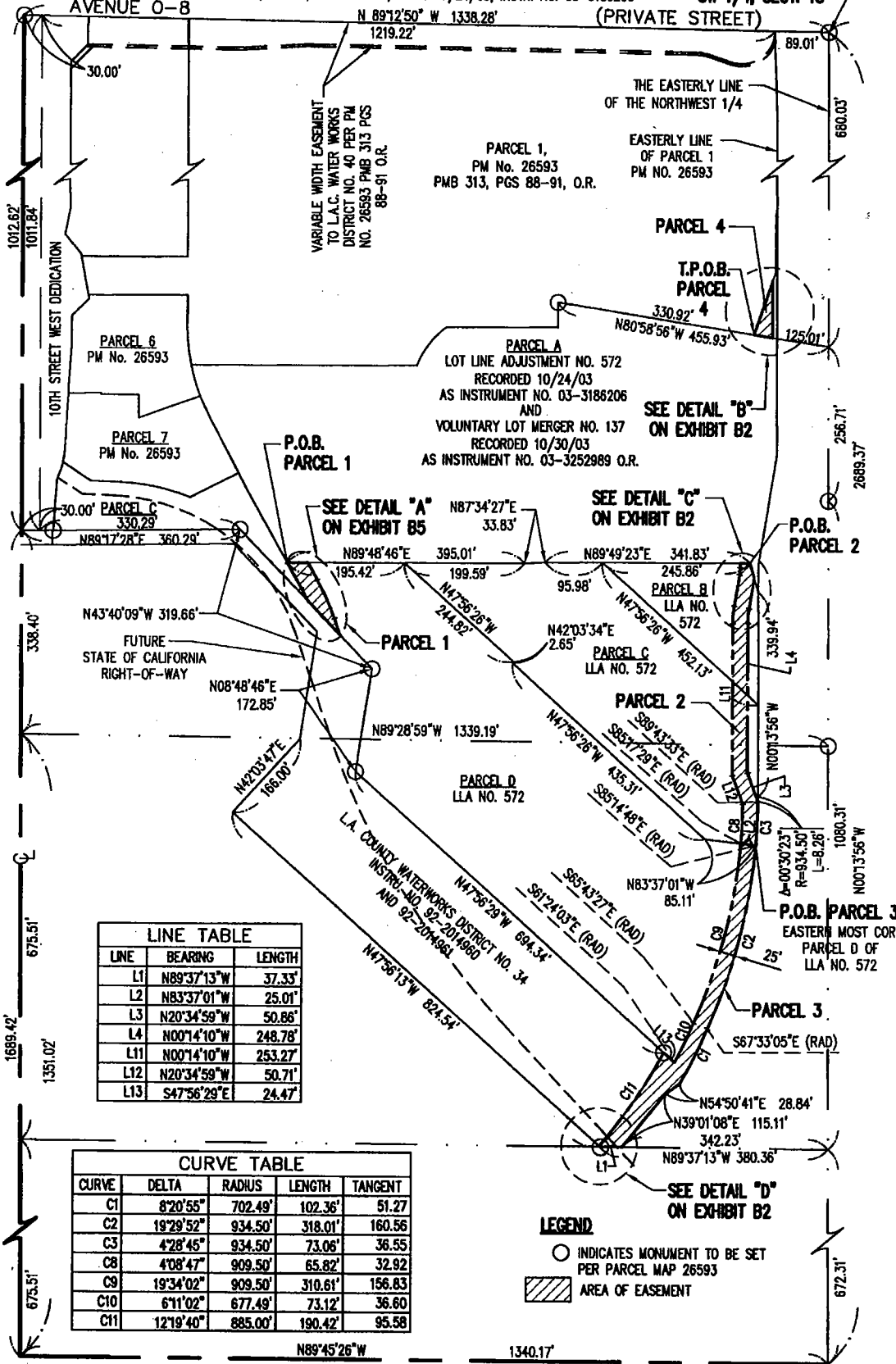
DESTINATION  
"O-8"

SPECIFICATION: A.C. ESMNTS  
DIST. :  
A.I.N. 3005-048-014,016,020  
T.G. : 4195-G3  
REF: P.M. 26593, BK-331, PG 88-91

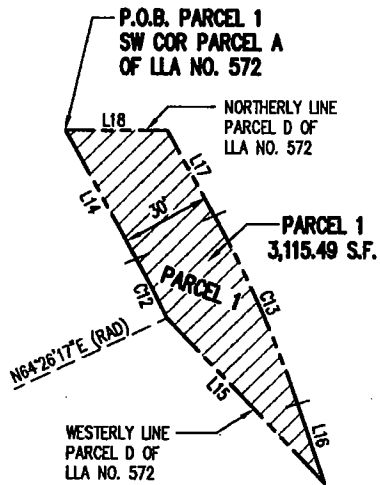
TITLE:  
EASEMENT

EXHIBIT "B1"  
08/04/05

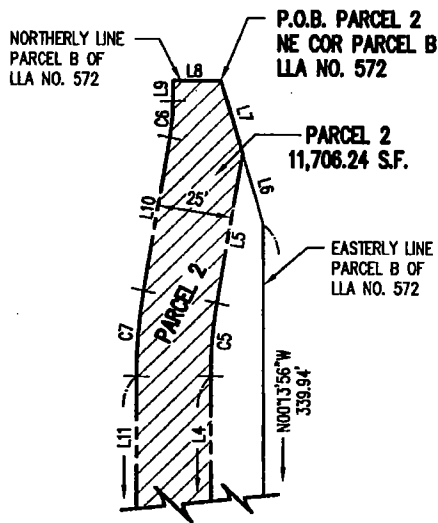
SHEET 3 OF 4



# EXHIBIT "B2"



DETAIL "A"



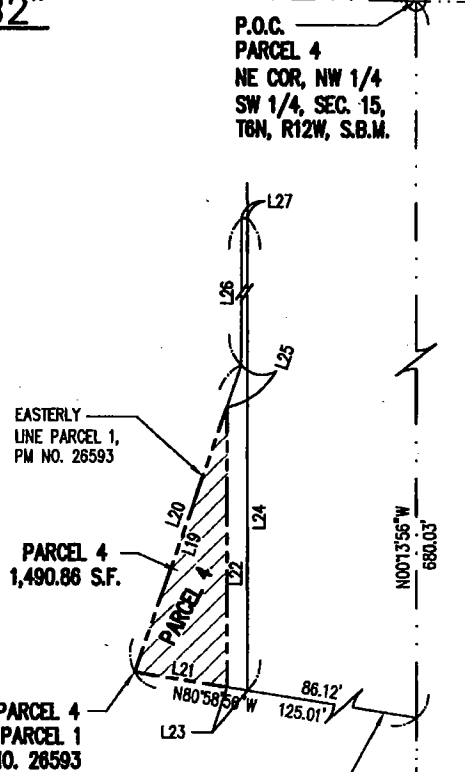
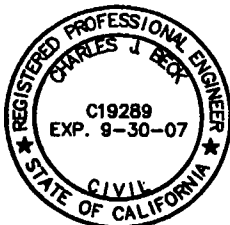
DETAIL "C"

## LEGEND

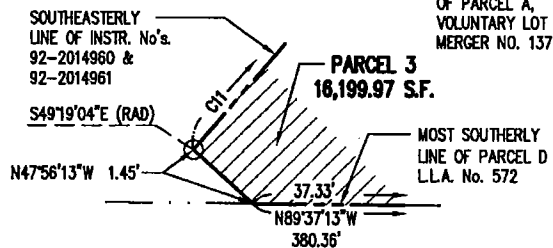
○ INDICATES MONUMENT TO BE SET PER PARCEL MAP 26593

▨ AREA OF EASEMENT

**BASIS OF BEARING**  
THE BEARINGS SHOWN ARE BASED ON THE BEARING OF N00°11'15"W BEING THE C/L OF 10th STREET WEST PER PARCEL MAP NO. 26593 PMB 313 PGS 88-91 O.R.



DETAIL "B"



DETAIL "D"

LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L4	N00°14'10"W	248.78'	L17	N29°01'32"W	33.04'
L5	N09°22'07"E	51.72'	L18	S89°48'46"W	34.25'
L6	S16°20'09"E	25.28'	L19	S18°54'55"W	95.55'
L7	S16°20'09"E	25.81'	L20	N18°54'55"E	110.94'
L8	N89°49'23"E	16.23'	L21	S80°58'56"E	31.67'
L9	N00°11'15"W	6.96'	L22	N00°11'15"W	95.35'
L10	N09°22'07"E	52.97'	L23	N80°58'56"W	7.22'
L11	N00°14'10"W	253.27'	L24	S00°13'56"E	207.85'
L14	S29°01'32"E	49.59'	L25	N18°54'55"E	15.39'
L15	S43°40'09"E	77.52'	L26	N00°13'56"W	96.80'
L16	N18°57'16"W	28.65'	L27	N89°48'04"E	2.00'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C4	0°30'23"	934.50'	8.26'	4.13
C5	9°36'17"	150.00'	25.15'	12.60
C6	9°33'22"	75.00'	12.51'	6.27
C7	9°36'17"	175.00'	29.34'	14.70
C11	12°19'40"	885.00'	190.42'	95.58
C12	3°36'32"	363.00'	22.86'	11.44
C13	10°12'39"	393.00'	70.04'	35.11

PLANS PREPARED BY:

**Antelope valley**  
**Engineering Inc.**  
129 WEST PONDERA STREET  
LANCASTER, CA. 93534  
(861) 948-0805

**DESTINATION**  
**"0-8"**

SPECIFICATION : A.C. ESMNTS  
DIST. : -----  
A.I.N. 3005-048-014,016,020  
T.G. : 4195-G3  
REF: P.M. 26593, BK-331, PG 88-91

**TITLE:**  
**EASEMENT**

**EXHIBIT "B2"**  
**08/04/05**  
**SHEET 4 OF 4**



RECORDING REQUESTED BY  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO.  
WHEN RECORDED MAIL TO  
Los Angeles County Waterworks Districts  
P.O. Box 1460  
900 South Fremont Avenue  
Alhambra, California 91802-1460

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER  
TAX PURSUANT TO SECTION 11922 OF THE REVENUE &  
TAXATION CODE.

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES  
PURSUANT TO SECTION 27383 OF THE GOVERNMENT CODE.

Space above this line for Recorder's use

## TEMPORARY EASEMENT

*FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,*

**A.C. WARNACK, TRUSTEE OF THE A.C. WARNACK TRUST DATED JANUARY 3, 1985, AS TO AN  
UNDIVIDED ½ INTEREST, AND A.C. WARNACK, AS HIS SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED ½  
INTEREST.**

*does hereby grant to Los Angeles County Waterworks District No.40, Antelope Valley, a governmental agency, hereinafter termed  
Grantee, a **TEMPORARY CONSTRUCTION EASEMENT** for use by Grantee and its employees, agents, and contractors under the  
Grantee's direction, for vehicles, maintenance, and construction machinery or other necessary uses, in connection with the construction of  
a pipeline and appurtenances in the West access road adjacent to the Amargosa Creek over that certain real property (the "Property")  
situated in City of Palmdale, Los Angeles County, State of California, described as:*

See Exhibits "A" and "B", attached here to and made part thereof.

*Together with the right to enter upon and to pass and repass over and along said easement and right of way and to deposit tools,  
implements and other materials thereon, by said District, its officers, agents and employees, and by any contractor, his agents and  
employees, engaged by said District, whenever and wherever necessary for the purposes above set forth.*

*The Grantee agrees to restore or have restored the temporary easement area as reasonably as possible to the pre-existing  
condition or to a condition mutually agreed upon within a reasonable time. It is understood and agreed that this temporary construction  
easement shall expire and terminate thirty (30) days after the issuance or recordation of the Notice of Completion for the above mentioned  
project.*

*It is understood that each undersigned grantor grants said easement only for that portion of the described land in which said  
grantor has an interest.*

**A.C. WARNACK, TRUSTEE OF THE A.C. WARNACK TRUST DATED JANUARY 3, 1985,  
AS TO AN UNDIVIDED ½ INTEREST, AND A.C. WARNACK, AS HIS SOLE AND  
SEPARATE PROPERTY, AS TO AN UNDIVIDED ½ INTEREST.**

Easement Location: AIN 3005-048-014, 016  
& 020

10<sup>th</sup> St. West & Ave O-8  
Parcel Map No. 26593

Waterworks Dist. No.- 40- Region 34  
Specification  
Distribution Sheet - 0-10

SIGNATURE	DATE	PRINT NAME, TITLE
SIGNATURE	DATE	PRINT NAME, TITLE

NOTE: ALL SIGNATURES MUST BE ACKNOWLEDGED OR WITNESSED FOR DOCUMENT EXECUTION TO BE COMPLETE.  
ACKNOWLEDGMENT AND WITNESS FORMS APPEAR ON ATTACHED SHEET(S).

State of California )  
 )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_ Notary Public,  
\_\_\_\_\_, personally appeared \_\_\_\_\_

\_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

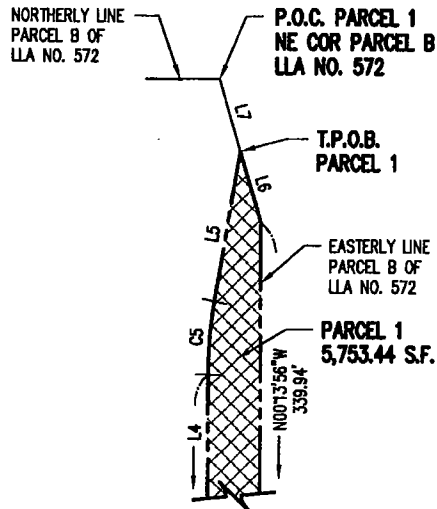
<p>APPROVED ON:</p>  <p>As to execution:</p>  <p>By _____ Senior Civil Engineer</p>	<p>CERTIFICATE OF ACCEPTANCE</p> <p>This is to certify that the interest in real property conveyed by the within deed or grant to said Los Angeles County Waterworks District, a governmental agency, is hereby accepted and the Grantee consents to the recordation thereof</p> <p>Dated _____</p> <p>By _____ Assistant Deputy Director</p>
---	---

**SHEET 1 OF 3**

FROM: J. W. WELLS (JWELLS) TO: J. W. WELLS (JWELLS) DATE: 11/11/11

**SHEET 2 OF 3**

# EXHIBIT "B2"

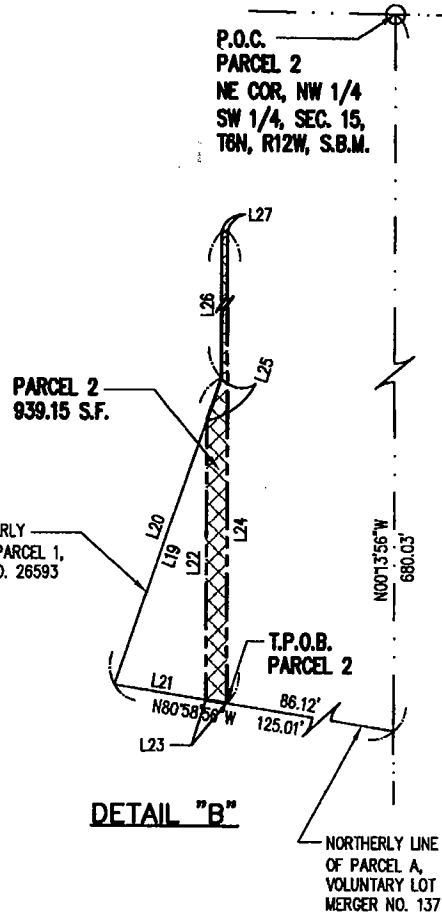


DETAIL "A"

## LEGEND

- INDICATES MONUMENT TO BE SET PER PARCEL MAP 26593
- ▨ AREA OF TEMP CONST. EASEMENT

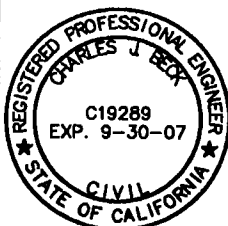
**BASIS OF BEARING**  
THE BEARINGS SHOWN ARE BASED ON THE BEARING OF N00°11'15"W BEING THE C/L OF 10th STREET WEST PER PARCEL MAP NO. 26593 PMB 313 PGS 88-91 O.R.



DETAIL "B"

LINE TABLE		
LINE	BEARING	LENGTH
L4	N00°14'10"W	248.78'
L5	N09°22'07"E	51.72'
L6	S16°20'09"E	25.28'
L7	S16°20'09"E	25.81'
L19	S18°54'55"W	95.55'
L20	N18°54'55"E	110.94'
L21	S80°58'56"E	31.67'
L22	N00°11'15"W	95.35'
L23	N80°58'56"W	7.22'
L24	S00°13'56"E	207.85'
L25	N18°54'55"E	15.39'
L26	N00°13'56"W	96.80'
L27	N89°46'04"E	2.00'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C4	0°30'23"	934.50'	8.26'	4.13
C5	9°36'17"	150.00'	25.15'	12.60



PLANS PREPARED BY:  
**Antelope valley engineering inc.**  
 129 WEST PONDERA STREET  
 LANCASTER, CA. 93534  
 (661) 948-0805

DESTINATION	TITLE
"O-8"	TEMPORARY EASEMENT
SPECIFICATION: A.C. ESMNTS DIST. 1	EXHIBIT "B2"
A.I.N. 3005-048-014,016,020	08/04/05
T.G. 1: 4195-G3	SHEET 3 OF 3
REF: P.M. 26593, BK-331, PG 88-91	

RECORDING REQUESTED BY  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40  
WHEN RECORDED MAIL TO  
Los Angeles County Waterworks Districts  
P.O. Box 1460  
900 South Fremont Avenue  
Alhambra, California 91802-1460

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER  
TAX PURSUANT TO SECTION 11922 OF THE REVENUE &  
TAXATION CODE.

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES  
PURSUANT TO SECTION 27383 OF THE GOVERNMENT CODE.

Space above this line for Recorder's use

## EASEMENT

*FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,*

**LOS ANGELES COUNTY WATERWORKS DISTRICT, NO.40, ANTELOPE VALLEY, A GOVERNMENTAL AGENCY,**

*does hereby grant to A.C. Warnack, Trustee of the A.C. Warnack Trust dated January 3, 1985, as to an undivided 1/2 interest, and A.C. Warnack, as his sole and separate property, as to an undivided 1/2 interest, a non-exclusive easement for a parking lot and appurtenances, including landscaping and irrigation, and ingress/egress purposes and the right to construct, maintain, operate and use same in and across the real property in the City of Palmdale, County of Los Angeles, State of California, described as*

### SEE EXHIBITS "A" AND "B" ATTACHED HERETO

*Together with the right to enter upon and to pass and repass over and along said easement and right of way and to deposit tools, implements and other materials thereon, by said Grantee, its officers, agents and employees, and by any contractor, his agents and employees, engaged by said Grantee, whenever and wherever necessary for the purposes above set forth.*

*It is understood that each undersigned grantor grants said easement only for that portion of the described land in which said grantor has an interest.*

*Use of the surface of said easement by the Grantee shall be subject to the following conditions: (1) no permanent building, or other structure of whatever nature, shall be constructed upon any portion of the easement area; (2) the erection of walls and fences shall be subject to prior approval of said district and (3) any and all uses of the easement area by the Grantor, subsequent to the granting of the easement, shall not restrict or inhibit the utilization of the easement by Grantee for the intended purposes above set forth.*

Easement Location:  
10<sup>TH</sup> STREET WEST & A.V.  
FREEWAY  
(AIN. 3005-004-900)

Waterworks Dist. No.40  
Specification N/A  
Distribution Sheet

Los Angeles County Waterworks District No.40,  
Antelope Valley, A Governmental Agency

Signature

Date

Adam Artki

Assistant Deputy Director

NOTE: ALL SIGNATURES MUST BE ACKNOWLEDGED OR WITNESSED FOR DOCUMENT EXECUTION TO BE COMPLETE.  
ACKNOWLEDGMENT AND WITNESS FORMS APPEAR ON ATTACHED SHEET (S).

State of California       )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_

personally appeared \_\_\_\_\_  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),  
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed or grant to said A.C. Warnack Trustee of the A.C. Warnack Trust dated January 3, 1985, and A.C. Warnack as his sole and separate property, is hereby accepted and the Grantee consents to the recordation thereof

Dated \_\_\_\_\_

By \_\_\_\_\_

A.C. Warnack

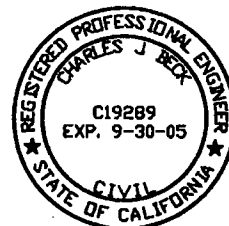
## LEGAL DESCRIPTION

### PARCEL 1


A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 12 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL ON SEPTEMBER 3, 1855, THAT PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE MOST WESTERLY SOUTHWEST CORNER OF PARCEL D OF LOT LINE ADJUSTMENT NO. 572, IN THE CITY OF PALMDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED OCTOBER 24, 2003 AS INSTRUMENT NO. 03-3186206, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER ALSO BEING THE MOST WESTERLY SOUTHWEST CORNER OF PARCEL 3 OF PARCEL MAP NO. 26593, IN SAID CITY, AS FILED IN BOOK 313 PAGES 88-91, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL C, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID PARCEL 3, NORTH 89°17'28" EAST A DISTANCE OF 308.63 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE SOUTH 43°40'09" EAST A DISTANCE OF 107.92 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE SOUTH 43°40'09" EAST A DISTANCE OF 211.74 FEET; THENCE SOUTH 08°48'46" WEST A DISTANCE OF 161.64 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVED NORTHEASTERLY, WITH A RADIUS OF 1320.01 FEET, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 68°09'37" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°48'56" AN ARC LENGTH OF 64.87 FEET; THENCE NORTH 19°00'49" WEST A DISTANCE OF 146.91 FEET TO THE SOUTHWESTERLY LINE OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEEDS TO LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 34, RECORDED NOVEMBER 2, 1992 AS INSTRUMENT NO'S. 92-2014960 AND 92-2014961; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 08°48'46" EAST A DISTANCE OF 21.85 FEET; THENCE CONTINUING ALONG SAID LINE NORTH 43°40'09" WEST A DISTANCE OF 24.59 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVED SOUTHWESTERLY, WITH A RADIUS OF 353.00 FEET, A RADIAL THROUGH SAID POINT BEARS NORTH 69°55'22" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°27'30" AN ARC LENGTH OF 82.92 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 12,035.33 S.F. (±0.28 AC.)



### EXHIBIT "A"

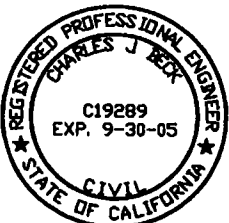
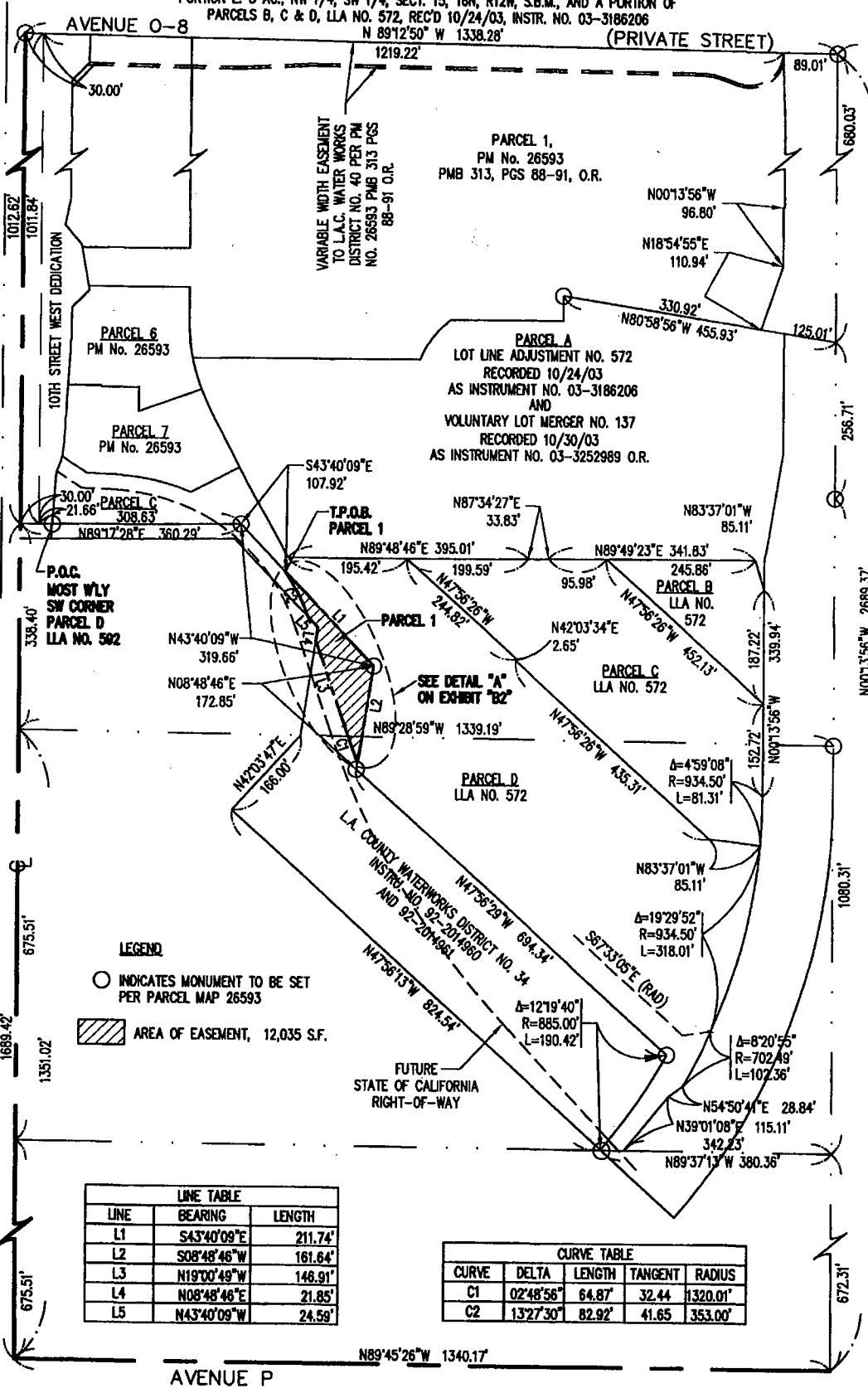
 <b>Antelope valley Engineering Inc.</b> 129 WEST PONDERA STREET LANCASTER, CA. 93534 (661) 948-0805	<b>PLANS PREPARED BY:</b>	<b>DESTINATION</b> "O-8"	<b>TITLE:</b> EASEMENT
	<b>SPECIFICATION:</b> NONE <b>DIST.:</b> ---- <b>A.I.N.</b> 3005-004-900 <b>T.G.:</b> 4195-G3	<b>EXHIBIT "A"</b> 08/02/05	<b>SHEET 2 OF 4</b>



# EXHIBIT "B1"

PORTION E. 5 AC., NW 1/4, SW 1/4, SECT. 15, T6N, R12W, S.B.M., AND A PORTION OF  
PARCELS B, C & D, LLA NO. 572, REC'D 10/24/03, INSTR. NO. 03-3186206  
N 89°12'50" W 1338.28' (PRIVATE STREET)

10TH STREET WEST  
N 00°11'15" W 5404.12'



BASIS OF BEARING  
THE BEARINGS SHOWN ARE  
BASED ON THE BEARING OF  
N00°11'15" W BEING THE C/L  
OF 10TH STREET WEST PER  
PARCEL MAP NO. 26593  
PMB 313 PGS 88-91 O.R.

## EXHIBIT "B1"

PLANS PREPARED BY:

**Montelope valley**  
**Engineering Inc.**  
129 WEST PONDERA STREET  
LANCASTER, CA 93534  
(801) 948-0805

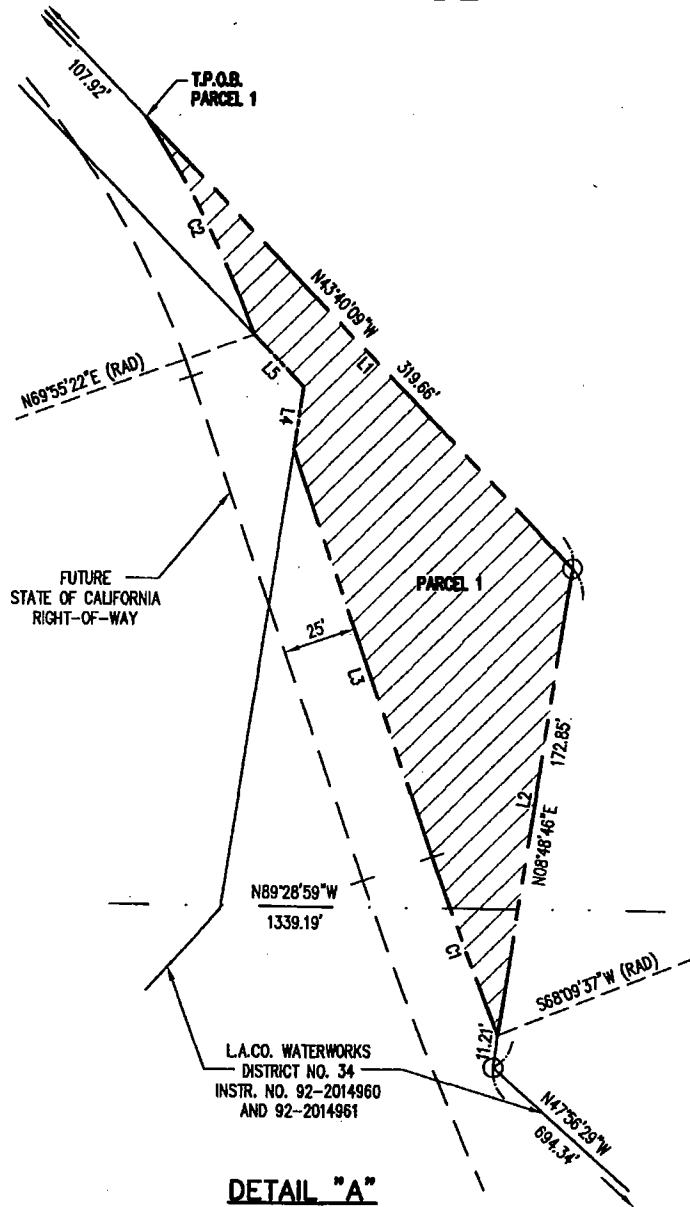
DESTINATION  
"O-8"

SPECIFICATION : NONE  
DIST. : -----  
A.I.N. 3005-004-900  
T.G. : 4195-G3

TITLE:  
EASEMENT

EXHIBIT "B1"  
08/04/05  
SHEET 3 OF 4

# EXHIBIT "B2"



LINE TABLE		
LINE	BEARING	LENGTH
L1	S43°40'09"E	211.74'
L2	S08°48'46"W	161.64'
L3	N19°00'49"W	146.91'
L4	N08°48'46"E	21.85'
L5	N43°40'09"W	24.59'

CURVE TABLE				
CURVE	DELTA	LENGTH	TANGENT	RADIUS
C1	02°48'56"	64.87'	32.44	1320.01'
C2	13°27'30"	82.92'	41.65	353.00'

## LEGEND

○ INDICATES MONUMENT TO BE SET PER PARCEL MAP 26593

▨ AREA OF EASEMENT, 12,035 S.F.

**BASIS OF BEARING**  
THE BEARINGS SHOWN ARE BASED ON THE BEARING OF N00°11'15"W BEING THE C/L OF 10th STREET WEST PER PARCEL MAP NO. 26593 PMB 313 PGS 88-91 O.R.

## EXHIBIT "B2"

PLANS PREPARED BY:

**Antelope valley engineering inc.**

129 WEST PONDERA STREET  
LANCASTER, CA. 93534  
(861) 848-0805

**DESTINATION**  
"0-8"

SPECIFICATION : NONE

DIST. :  
A.I.N. 3005-004-900  
T.G. : 4195-G3

**TITLE:**  
EASEMENT

EXHIBIT "B2"  
08/04/05

SHEET 4 OF 4

